



CITY OF ALBION CITY COUNCIL MEETING AGENDA

Meetings: First and Third Mondays – 7:00 p.m.

City Council Chambers ♦ Second Floor ♦ 112 West Cass Street ♦ Albion, MI 49224

COUNCIL-MANAGER
GOVERNMENT

Council members and
other officials normally in
attendance.

Garrett Brown
Mayor

Maurice Barnes, Jr.
Council Member
1st Precinct

Lenn Reid
Council Member
2nd Precinct

Sonya Brown
Mayor Pro-Tem
Council Member
3rd Precinct

Marcola Lawler
Council Member
4th Precinct

Jeanette Spicer
Council Member
5th Precinct

Andrew French
Council Member
6th Precinct

Scott Kipp
Interim City Manager

The Harkness Law Firm
Atty Cullen Harkness

Jill Domingo
City Clerk

NOTICE FOR PERSONS WITH
HEARING IMPAIRMENTS
WHO REQUIRE THE USE OF A
PORTABLE LISTENING DEVICE

Please contact the City
Clerk's office at
517.629.5535 and a listening
device will be provided
upon notification. If you
require a signer, please
notify City Hall at least five
(5) days prior to the posted
meeting time.

AGENDA

COUNCIL MEETING Monday, August 6, 2018

7:00 P.M.

PLEASE TURN OFF CELL PHONES DURING MEETING

- I. CALL TO ORDER
- II. MOMENT OF SILENCE TO BE OBSERVED
- III. PLEDGE OF ALLEGIANCE
- IV. ROLL CALL
- V. PRESENTATIONS
- VI. PUBLIC HEARINGS
- VII. 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.)
- VIII. CONSENT CALENDAR (VV) (Items on Consent Calendar are voted on as one unit)
 - A. Approval Study Session Minutes, July 16, 2018
 - B. Approval Joint Study Session Minutes, July 19, 2018
- IX. ITEMS FOR INDIVIDUAL DISCUSSION
 - A. Request Approval 1st Reading Amended Council Rules & Procedures
 - B. Request Approval of Demolition Bid for 608 Austin Avenue
 - C. Update on Parking on Maple Street
 - D. Discussion-Street Millage
 - E. Approve Offer of Sale of 702,704,706 & 708 W. Erie St.
 - F. Request Approval Boards & Commissions Reappointment



CITY OF ALBION

CITY COUNCIL MEETING AGENDA

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- Chris Farmer, Reappointment, Albion Building Authority (ABA),
Term to Expire 6-30-2021

- G. Discussion-McIntosh Park

- H. Discussion-Dog Park

- I. Discussion-Project Rising Ride

- J. Discussion-Code of Ethics Ordinance

- X. Future Agenda Items

- XI. Motion to Excuse Absent Council Member(s)

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

- XIII. CITY MANAGER REPORT

- XIV. MAYOR AND COUNCIL MEMBER COMMENTS

- XV. ADJOURN

City of Albion
Council Session Minutes
July 16, 2018

I. CALL TO ORDER

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

II. MOMENT OF SILENCE TO BE OBSERVED

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

PRESENT: Maurice Barnes (1), Lenn Reid (2), Sonya Brown (3), Marcola Lawler (4), Jeanette Spicer (5), Andrew French (6) and Mayor Brown.

ABSENT: All members were present.

STAFF PRESENT:

Scott Kipp, Interim City Manager; Cullen Harkness, City Attorney; Jill Domingo, City Clerk and John Tracy, Director of Planning, Building & Code Enforcement.

V. PRESENTATIONS

A. 2017 Audit Presentation-Stevens, Kirinovic & Tucker P.C.

Bill Tucker, Stevens, Kirinovic & Tucker P.C. presented the 2017 Audit presentation highlighting the following:

- The City has received a clean opinion which is the best you can receive
- The City's overall government retirement fund is 94% funded
- Public Safety Pension is 167% funded
- Fund Balance for the general fund is at 30% of our annual operating expenses. Last year it was at 37%. It is recommended by the auditors to maintain a 15-20% minimum fund balance.
- Public Safety expenditures were up approximately \$200,000 in overtime expenses
- Recreation & Cultural Expenses were up \$294,000 due to grant funds for Holland Park
- The City had a decrease in fund balance of (\$61,116.00)
- Public Safety is 53% of the general fund

Comments were received from Mayor Brown.

B. The Big Read-Jess Roberts

Jess Roberts, Director of The Big Read program gave the following update on the Big Read Program:

- The Big Read program is a program that aims getting young people to read and discuss the 2018 Big Read title: “X: A Novel” by Ilyasah Shabazz and Kekla Magoon.
- It is a large celebration of collaboration
- The Big Read goes on throughout the summer with the big celebration being held in October.
- How to see the Big Read in Albion over the summer:
 - The novel X: A Novel” by Ilyasah Shabazz and Kekla Magoon is available at various locations throughout the community
 - Look for the Malcolm logo
 - Albion college van who will be picking students up from every precinct in the City to participate in the program.
- September 29th is the Big Read kickoff.
- Oct 2nd, 2018 Ilyasah Shabazz, author of “X” will be at the Bohm Theatre
- Oct. 5th & 6th is the “Walk the Beat” downtown event
- November 1, 2018 is the final Big Read Celebration

C. Albion College/Oaklawn Clinic Project-Dr. Ditzler & Dr. Williams

Mauri Ditzler, President Albion College and Gregg Beeg, Interim CEO Oaklawn Hospital gave the following presentation on the Albion College/Oaklawn Clinic Project:

- The project has been in the works for the past two (2) to three (3) years
- It will be in the basement of the old Parker Inn building (Munger building)
- It will be an extended hours clinic that will be open for Albion College students and the Albion community.
- The Clinic hours will be:
 - Monday – Friday 8:00 a.m. – 9:00 p.m.
 - Saturday 11:00 a.m. – 9:00 p.m.
 - Closed on Sunday
- May increase clinic hours if the need arises
- Thanks to Senator Nofs and Representative Bizon for the million-dollar grant received to renovate the property for the clinic
- Kathy Rhodes, Project Administrator stated the demolition of the area is complete and the drawings are done. They will plan to open in January 2019

Comments were received from Council Member Lawler.

D. Introduction of Lindsey Collins, New Code Enforcement Officer

Director of Planning, Building & Code Enforcement introduced Lindsay Collins, the new Code Enforcement Officer for the City.

Comments were received from Council Member Spicer, Mayor Brown and Lindsay Collins.

E. National Night Out-Officer Karilynn Noppe

Chief Kipp stated National Night Out is sponsored in part by the National Association of Town Watch and will involve over 16,500 communities from all 50 states, U.S. Territories, Canadian cities and military bases around the world. They are asking community members to consider sponsoring the event locally with a monetary donation.

On Tuesday, August 7th, 2018 neighborhoods throughout Albion are being invited to join forces with thousands of communities nationwide for the “35th Annual National Night Out” crime and drug prevention event.

National Night Out is designed to:

- heighten crime and drug prevention awareness
- generate support for and participation in local anti-crime efforts
- strengthen neighborhood spirit and police-community partnerships
- send a message to criminals letting them know neighborhoods are organized and fighting back

From 6 p.m. to 8 p.m. on August 7th residents are asked to lock their doors, turn on their porch lights and spend the evening with neighbors, police officers, firefighters, and paramedics at Victory Park in the City of Albion.

During this year’s event we are planning several fun events for children and adults including face painting, a dunk tank and painting a patrol car. Emergency vehicles including patrol cars, fire trucks and ambulances will be on hand to tour and have your picture taken with. There will be free food and music along with snow cones. Everyone will have a chance to meet their local police officers, firefighters and paramedics!

VI. PUBLIC HEARINGS-None

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

Comments were received from John Geyer, 904 Irwin Avenue and Terry Atkins, 28 Mile Rd, Homer.

VIII. CONSENT CALENDAR (vv) (Items on Consent Calendar are voted on as one unit)

- A. Approval Study Session Minutes, June 25, 2018
- B. Approval Regular Session Minutes, July 2, 2018
- C. Approval Study Session Minutes, July 9, 2018

French moved, Reid supported, CARRIED, To Approve Consent Calendar as presented. (7-0, vv)

IX. ITEMS FOR INDIVIDUAL DISCUSSION

A. Request Approval 1st Reading Ordinance # 2018-06, An Ordinance to Amend Article V of Chapter 22, Section 22-204, of the Albion Code of Ordinances, Medical Marihuana Facilities License Applications

Comments were received from Council Member French and Attorney Harkness.

Brown moved, Lawler supported, CARRIED, To Approve 1st Reading Ordinance # 2018-06, An Ordinance to Amend Article V of Chapter 22, Section 22-204, of the Albion Code of Ordinances, Medical Marihuana Facilities License Applications as presented. (7-0, rcv)

B. Request Approval 1st Reading of the Amended Council Rules & Procedures

Council Member French asked to have 1st Reading of the Amended Council Rules & Procedures TABLED until the August 6, 2018 Council meeting.

French moved, Reid supported, CARRIED, To **TABLE** 1st Reading of the Amended Council Rules & Procedures until the August 6, 2018 Council meeting. (7-0, rcv)

C. Discussion-Parking on Maple Street

Council Member Lawler stated currently one end of Maple Street has parking on both sides of the street while the other end only has parking on one side of the street. She is requesting to change the parking for all of Maple Street to parking on one side only.

Interim City Manager Kipp stated he believed the reason for this was due to the width of the street and the school buses. He also would like to see parking on only one side of the street. He will check into the legal issues and what needs to be done to make the change and report back to Council at the next meeting. A survey of how property owners feel about the parking should be done for all of Maple Street.

Additional comments were received from Council Member French.

D. Update on Closure of Michigan Street between Dalrymple and Albion Streets

Council Member Reid stated she would like Michigan Street between Dalrymple and Albion Streets closed during the summer to protect children's safety.

Interim City Manager Kipp stated for a more permanent solution four (4) gates would be needed at a cost of \$500.00 per gate plus the cost of installation. City workers may be able to install. The highest expense of the gates would be approximately \$2500.00. If the City installed the gates, the street would be able to be opened or closed at any time. The temporary solution would be for the City to set up cement barriers with no cost involved as the City has these. They would not be able to be moved on a daily basis and will not provide any flexibility for opening and closing the street. Interim City Manager Kipp stated no incidents have happened on Michigan Street.

Interim Manager Kipp suggests using the temporary cement barriers this year and seeing how they work and if the Council is interested in something more permanent, the gates could be purchased and installed before summer begins next year.

Council Member Barnes suggested that residents on Center, Washington and Dalrymple Street be consulted as to how they feel about the road closure before moving forward.

Additional comments were received from Council Members Lawler, Spicer, French and Brown.

E. Election Discussion

Council Member Barnes discussed a phone call he received pertaining to the Council election. He stated he felt the information he received regarding Mayor Brown was unbecoming of the office of the Mayor and had ethical and moral implications.

Council Member Brown asked for Point of Order and suggested that she respects Council Member Barnes position, that the Mayor and Council Member Barnes should have a conversation regarding the issue. She stated public comments disparaging the Mayor are out of line and is listed in Roberts Rules of Order. It is unacceptable to attack or make any disparaging comments against any Council person or Mayor.

Mayor Brown ruled on the Point of Order citing from Roberts Rules of Order that the direct naming of a colleague is out of order and put the question before the Council on whether the Council Member should continue to speak. The question is undebatable.

Council Member Barnes spoke out against the ruling.

Council Member Brown asked for Point of Order.

Mayor Brown declared Council Member Barnes out of order.

Council Member Brown asked for a motion to remove Council Member Barnes supported by Council Member Spicer.

Council Member Barnes called for Privilege and left the meeting at 8:00 p.m.

The question before the Council is should Council Member Barnes be allowed to continue to speak.

Brown moved, Spicer supported, CARRIED, Should Council Member Barnes Not be Allowed to Continue Speaking on Agenda Item. (4-2, rcv) (Reid and French dissenting).

Mayor Brown asked the City Attorney Harkness to waive privilege and give the Attorney's opinion that was sent to Council pertaining to this issue.

Brown moved, French supported, CARRIED, to Allow City Attorney Harkness to Waive Privilege and Give Opinion that was Sent to Council. (6-0, vv)

City Attorney Harkness gave the following information:

The City Council requested what the state regulations are regarding prohibited conduct as it relates to current members of council engaging in

discussions with other persons running for the same office and whether said conduct violates Michigan election laws. I was also asked to comment as to whether or not such conduct is ethical. I have additionally been asked to comment on whether or not representing that a majority of Council supports a potential candidate not running would violate the Michigan Open Meetings Act.

There does not appear to be anything in Election law to prohibit current members of Council discussing with potential candidates for election, whether the potential candidates should in fact run for office. Most of the election prohibitions deal with voting or not voting after being provided valuable consideration in exchange. The remainder of the prohibitions deal with various threats relating to employment, religious excommunication, etc. As such, it does not appear that the factual scenario presented to this office falls into any of the categories of prohibited conduct contained within the Michigan Election Law.

As it relates to the ethical concerns posed to this office regarding the above described conduct, it is not for this office to comment on issues of ethics. At this time, it is only for this office to comment on matters of law. However, if in the future the City of Albion adopts an ethics ordinance, this office would be able to comment on compliance with the same.

With regards to whether or not the Michigan Open Meetings Act (Act 267 of 1976), and by implication, the Home Rule City Act (Act 279 of 1909), have been violated if a representation was made to a potential candidate that there was a consensus of Council that the candidate not run, at this time, I have not been presented with sufficient information to render a legal opinion as to whether or not a violation of either act has occurred.

Mayor Brown stated the Council needed to adhere to Robert's Rules of Order and all be respectful of each other. The City needs to establish a code of ethics policy.

Comments were received from Council Members Barnes, Brown, Reid and French; Mayor Brown and City Attorney Harkness.

F. Discussion-Rental Certification Ordinance

City Attorney Harkness stated he would recommend definitions be added for residential rental structure and residential rental unit as they are used throughout the ordinance but are not in the definitions.

The three items that Council needs to address to move the rental certification program forward are:

- Section 18-405 (c) How much the registration fee will be and will the fee be charged per parcel or per site.
- Section 18-406 Term of the registration
- Section 18-404 How long inspections are valid for

Council questions/comments were as follows:

- How do other municipalities handle the registration fee? *Each municipality does it differently. Some charge by parcel while others charge by site.*
- What does the City plan to charge for a registration fee? *\$25.00 registration fee per parcel or site depending on what Council would like to do.*
- Would consider a one-time registration fee of \$25.00 until a change of ownership occurs.
- Would like to meet with Landlord Association to work through some of the details of the ordinance.
- What would the inspection fee be? *If we used SAFEbuilt for the inspections, the fee would be \$56.00 per unit. SAFEbuilt generally increases their fees every three years.*
- Would like to create a sub-committee to meet with Landlord Association before moving forward with the rental certification process.

Comments were received from Council Members Reid, French, Brown, Spicer and Lawler; Mayor Brown and Director of Planning, Building & Code Enforcement Tracy.

Mayor Brown asked for a motion to change agenda item from a discussion to an approval.

French moved, Brown supported, CARRIED, to Change Discussion-Rental Certification Ordinance to an Approval Item. (6-0, rcv)

Mayor Brown asked for approval of creation of a sub-committee to meet with Landlord Association regarding rental certification. He asked for volunteers from the Council to be a part of the sub-committee.

French moved, Brown supported, CARRIED, To Approve Council Members Reid, Lawler and Spicer to a Sub-Committee to Meet with the Landlord Association Regarding Rental Certification. (6-0, vv)

G. Discussion-Sale of City Owned Property Policy

City Attorney Harkness included in the packet a copy of Detroit's sale of City owned property ordinance. Council consensus from previous study session was to have the City's ordinance similar to that of Detroit.

City Attorney Harkness stated he would need the following information to draft the ordinance for Council review:

- Does the Council want a closed bidding process for properties that exceed a minimum amount? What would the minimum amount be?
- Does the Council wish to have a clause to offer certain property to adjoining property owners?
- Does the Council want an opt-out clause?

Questions/Comments from Council were as follows:

- What protections will the City have from selling properties and having the owners sit on it. *The City can add to the ordinance the ability to add conditions to an offer. This would be done with a buy/sell agreement that list the specific conditions and would be done on a case by case basis.*
- The Detroit ordinance is just an example. The Council can set the system that works best for the City.
- How will surplus property be defined?
- Options for minimum bid:
 - 10% of assessed value with a 10% deposit
 - 10% of assessed value with a 5% deposit

Consensus of Council is to have City Attorney Harkness create a draft ordinance with the following information:

- 10% of assessed value and 5% deposit
- Clause to offer certain property to adjoining property owner
- Opt-Out clause
- Ability to add conditions to the offer

Comments were received from Council Members Spicer, Brown and French and Mayor Brown.

H. Request Approval Boards & Commissions Reappointment

- Marvin Itner, Reappointment, Public Safety Pension Board, Term to Expire 12-31-2021

Comments were received from Mayor Brown.

French moved, Brown supported, CARRIED, To Approve Marvin Itner, Reappointment, Public Safety Pension Board, Term to Expire 12-31-2021 as presented. (6-0, rcv)

I. Discussion-Street Millage

Council Member French asked to have the street millage discussion tabled until the August 6, 2018 Council meeting.

French moved, Brown supported, CARRIED, To **Table** Street Millage Discussion until the August 6, 2018 Council Meeting. (6-0, vv)

J. Discussion-Sale of 702,704,706 & 708 W. Erie Street

City Attorney Harkness stated the letter received in the packet is considered a counter offer to the Council's offer for sale of 702,704,706 & 708 W. Erie Street as the potential purchaser added a term. The consensus of the Council is to add this agenda item to the August 6, 2018 agenda as an approval item.

Comments were received from Council Members Spicer, Lawler and Brown.

K. Request Approval of Demolition Bid for 608 Austin Avenue

Council Member Brown asked to have the Approval of Demolition Bid for 608 Austin Avenue TABLED until the August 6, 2018 agenda.

Brown moved, Spicer supported, CARRIED to **POSTPONE** Approval of Demolition Bid for 608 Austin Avenue until the August 6, 2018 Council meeting. (6-0, vv)

Comments were received from Council Members Spicer and Brown, Mayor Brown and Director of Planning, Building & Code Enforcement Tracy.

X. Future Agenda Items

The following items were requested for the next agenda:

- Council Member Brown asked for a discussion on code of ethics ordinance
- Council Member Lawler asked for discussion on McIntosh Park, the dog park and Project Rising Tide
- City Attorney Harkness asked for the City Attorney's annual review on an upcoming Council agenda
- Council Member French asked for a timeline for the City Manager search.
- Mayor Brown stated a Closed Session has been set for August 14, 2018 to discuss the City Manager search.

XI. Motion to Excuse Absent Council Member (s)

No action was necessary as all members were present.

XII. 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 Wayne Arnold, 906 Hall St; John Dunklin, 1203 2nd St; Al Smith, 1209 Adams St and Jim Hull, 113 E. Cass St, Apt. B.

XIII. CITY MANAGER REPORT

Interim City Manager Kipp stated the inside of the water tower has been painted. It will take approximately a week to cure. The water tower should be back in service by the end of this week or early next week. The exterior is almost complete.

Comments were received from Council Member French and Mayor Brown.

XIV. MAYOR AND COUNCIL MEMBER'S COMMENTS

Comments were received from Council Members Lawler and French, Mayor Brown and City Attorney Harkness.

XV. ADJOURNMENT

Brown moved, Spicer supported, CARRIED, to ADJOURN Regular Council Session. (6-0, vv).

Mayor Brown adjourned the Regular Session at 9:25 p.m.

Date

Jill Domingo
City Clerk

City of Albion
Joint Study Session with Albion Economic
Development Corporation & Downtown
Development Authority

July 19, 2018 Minutes

I. CALL TO ORDER

Mayor Brown called the meeting to order at 6:00 p.m.

II. ROLL CALL

PRESENT:

Council Members Maurice Barnes (1), Lenn Reid (2), Sonya Brown (3), Marcola Lawler (4), Jeanette Spicer (5) and Andrew French (6) and Mayor Brown.

Albion Economic Development Corporation (AEDC): Board Members Mauri Ditzler; Joyce Spicer; Scott Evans; George Harvey; Herman McCall; Mayor Garrett Brown and Amy Deprez, President Albion Economic Development Corporation.

Downtown Development Authority (DDA): Board Members Joe Domingo; Alfredia Dysart-Drake; Scott Evans; Marcola Lawler; Don Masternak; Nidia Wolf; Jennifer Yawson and Mayor Garrett Brown.

STAFF PRESENT:

Scott Kipp, Interim City Manager; Cullen Harkness, City Attorney; Jill Domingo, City Clerk and John Tracy, Director of Planning, Building & Code Enforcement.

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. Albion Industrial Park Amendment and Assignment of Sales Agreement (AEDC Only)

B. Agreement between Albion Economic Development Corporation (AEDC) and Albion Reinvestment Corporation (ARC)

Mayor Brown stated the City of Albion is in a renaissance mode and would like the community to be aware of what entities are involved in the downtown renovation and what are their goals.

Amy Deprez stated as you may already know, she is the President of the AEDC and acts as Executive Director for ARC. The AEDC staff assist on projects for the charity, as well. This relationship allows for 100% of the donations received by ARC to go towards redevelopment efforts and not administration. Additionally, Albion College supplements the EDC for the President's salary which allows the City/EDC to have an experienced leader for economic/community development when otherwise the budget would not necessary allow for a seasoned individual. Collaborations like this create the environment needed to address the challenges within our community and get things done faster than would otherwise allow.

The AEDC and ARC have aligned missions. The goals of the AEDC is attracting industries and jobs for the City of Albion, Albion Township, Homer, Sheridan Township and surrounding areas. ARC is a 501 C3 and is working on the development of downtown and surrounding neighborhoods. This is a donation-based investment corporation with 100% of the donations going toward redevelopment. Currently downtown is the #1 focus of ARC.

ARC owns eighteen (18) of the thirty-three (33) buildings downtown. Albion College Calhoun County Land Bank and ACE own the remainder of the properties. ARC has paid \$200,000 to hire consultants to work on the Big Albion Plan. Other partners may also share in this cost.

Questions/Comments from Council and Board Members were as follows:

- How is the funding split between the public and private entities? *Previously the main source of income for the AEDC was the TIFA fund. The AEDC has a \$450,000 budget with \$138,000 coming from TIFA, a ¼ from tax dollars and the remainder from grants and TIFA and EDC rents. The AEDC President receives approximately \$60,000 supplement for her salary and about 50% of her time is used for ARC business.*
- The Food Hub is part of the AEDC.
- Revolving Loan Funds are regulated to that fund only.
- ARC is only a portion of community development and wants to insure resources and funds are being used to help residents as well.
- If the Council feels this collaboration is a bad idea, it can be stopped now.
- There are things happening in Albion that can't always be shared
- Money being invested in the downtown is a good thing and does not want to alienate investors.
- Asking questions is good for clarification
- Is there a plan to advertise for the upstairs apartments once they are complete?
- What is the plan to acquire buildings downtown? *The ability to stabilize the structures and re-invigorate and get people upstairs and living downtown.*

- The rents from the upstairs apartments will be used to fund the lower level fully renovated space so it can be rented for \$1-\$3 a square foot versus \$7-\$10 a square foot.
- Will the buildings be sold to business owners who rent the space? *No, the plan is not to turn around and sell the buildings. They will continue to be held by ARC long term until we have established businesses back in the downtown.*
- ARC has purchased \$800,000 for the buildings downtown through donations only.
- Who will be able to rent the commercial space? *Anyone with a substantial business plan and funding for the business.*
- How will the Big Albion Plan help with tax capture for the DDA? *The DDA is in a negative increment. It will be a tier use. The end use of the buildings is what determines who is taxed not the owner. It will take time for the DDA capture to come back.*
- How can we start a relationship with entrepreneurs here in Albion? *The downtown will be a mix of known businesses and homegrown entrepreneurs. Interested entrepreneurs should contact the AEDC.*
- It will be about 18 months before space downtown will be available.
- Would like to see housing that is accessible but also affordable.
- It will not be subsidized housing.
- What will be the draw for residents? *The upstairs apartments will be a diverse amount of spaces and rate structures.*
- The Big Albion Plan is a grant that may or may not be funded.
- ARC is doing great work but they can't do everything that needs to be done.
- Wants focus to be housing, poverty and employment.
- Some of the things the AEDC has accomplished that does not involve ARC are 1) Sold 5 lots in the industrial Park for Medical Marijuana Facilities; 2) Held 3 job fairs and 3) Held 3 business summits.
- Project Rising Tide will help bring resources for housing, poverty and employment.
- Would like to see industry brought to Albion
- The DDA would like to hire an Executive Director that can help Amy with the redevelopment downtown. Currently they only have a \$10,000 budget so would need collaboration to help with funding.
- Problems can't be fixed overnight
- People invest and donate to success. Things are happening in Albion that are visible. Dialogue and questions are encouraged but Albion needs to move forward.
- Leadership challenge with Mayor and Council.
- ARC is doing a great job and hopes the downtown redevelopment will continue.

Comments were received from Council Members Barnes, Reid, Lawler and Brown; Mayor Brown; Amy Deprez, AEDC President, Bill Dobbins, ARC President, Mauri Ditzler, Joe Domingo, Dick Porter, Herman McCall, Scott Evans, Jerome Harvey, Alfredia Dysart-Drake, Joyce Spicer and Nidia Wolf,

- 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 Staci Stuart, Stirling Books & Brew; Wanda Kemp, 03 Valhalla Dr; Shawn Gamble, Robert Giles, 618 N. Ann St and Lonnie Brewer, 1200 Hillside Rd, Apt. 9.

- VI. ADJOURNMENT

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

Mayor Brown adjourned the Study Session at 8:00 p.m.

Date

Jill Domingo
City Clerk

Albion City Council

Rules of Procedure

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RULE 1. AUTHORITY

- a) City Council meetings shall comply with the state constitution, the Open Meetings Act, the Home Rule City Act, the City Charter and all other pertinent law.
- b) Regular and special meetings of the City Council shall be open to the public and the rules of procedure of the City Council shall provide citizens with reasonable opportunity to be heard. [Section 5.6g]
- c) These rules of procedure (i) provide for constructive and democratic meetings, (ii) testablish common rules and procedures for deliberation and debate to provide(iii) are intended to help, not hinder, the business of the City Council and (iv) expedite and facilitate the transaction of the business of the City Council in an orderly fashion. The failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by, the City Council.
- d) The following words or phrases shall have the following meanings:

Administration means the duly appointed and acting City Manager or or that person's designee.

City Council or Council means the duly elected or appointed and serving Mayor and Council Members.

Council Member or member are used interchangeably and means members of the City Council.

Dates - whenever a date in these rules for the doing or completion of an act falls on a Saturday, Sunday or holiday, such act shall be done or completed on the next succeeding day which is not a Saturday, Sunday or holiday.

Decision means a determination, action, vote or disposition upon a motion, proposal, recommendation, resolution, order, ordinance or measure on which a vote by City Council has occurred.

Meeting means the convening of a public body (the City Council) at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy.

Procedural matters mean votes upon motions having no other purpose than to adjourn, to receive and file, to refer a matter, to approve the minutes or accept or decline an invitation may be taken by a voice vote and the Chair shall announce the result of the voting. Upon any such matter, a majority of the quorum present shall be sufficient to carry such a motion, unless the Charter or other rule shall specifically require a greater majority in any such matter.

Unanimous means that all the members of the City Council who are present voted the same way.

- e) On all matters of procedure not addressed in these rules, the Council shall refer to the most current edition of *Robert's Rules of Order*, (<http://www.rulesonline.com>) for guidance in developing procedures for the conduct of meetings and shall not be inconsistent with the standing rules and order of the Council and not contrary to the Albion City Charter or any existing laws of the State of Michigan.
- f) The Mayor shall hold regular, weekly meetings or conference calls with the City Manager to confer on city business and upcoming agendas. These conferences may include one or two other Council Members and may also include other City staff members. It is expected that the City Attorney shall be present, as needed to provide legal counsel and perspective. The dates and times are to be set, along with regular council meetings, and announced to council and the community, though flexibility shall be allowed from meeting to meeting.

RULE 2. ROLES AND RESPONSIBILITIES OF CITY OFFICIALS.

- a) The City Council's duties and authority, as established in the City Charter and other law is as follows:

Commented [MOU1]: I recently had a situation in which there was a vacancy on the council. I might be ill-advised to always assume a full 7-member council because, when vacancies are created by deaths, disqualification (such as by moving out of the city), resignation or other reason, it may be hard to get needed majorities for quorums, voting, etc. and a supermajority (such as the 2/3 needed when faced with a protest petition on a zoning matter) might be especially hard to reach.

- (1) Generally, the City Council is to “exercise all of the legislative and policy-making powers of the city and . . . provide for the performance of all duties and obligations imposed upon the city by law.” City Charter §§ 5.1; 6.1.
- (2) The Council works only through ordinances, resolutions, or motions. Ordinances (i) may be required by law (e.g., to establish some types of authorities or to issue some type of bonds), (ii) are required for all acts for which there is a penalty for violation (e.g., city health, safety, traffic codes, etc.) and are needed for acts where the city wishes to regulate actions or conduct of persons other than city officers, employees and agents. Resolutions are normally limited to internal affairs or concerns of the city government (e.g., approval of contracts), though resolutions may be specifically authorized for other purposes. Motions, by themselves, as opposed to motions to approve a resolution or an ordinance, are generally limited to routine procedural matters and to making decisions placed before the body.
- (3) The City Council, including the Mayor, acts as a body. The City Charter refers to the powers of the City Council, as opposed to the powers of individual Council members, or the Mayor. Therefore, individual Council members have no authority to act on behalf of or represent the city except as approved by an ordinance, resolution, or motion approved by the Council (e.g., designation to serve as a delegate to an MML body or to serve as the city’s representative on another body).
- (4) The city Council sets policy by its actions. The following actions all set policy but are not the only City Council actions that can establish policy: (i) budget approval, (ii) tax levies, (iii) approving borrowing, (iv) setting city utility rates and other fees and charges, (v) specially assessing for projects, (vi) approving contracts, (vii) adopting or amending ordinances, (viii) adopting resolutions, (ix) appointing members of boards and commissions, (x) appointing the City Manager and City Attorney, setting their compensation, and providing regular reviews, and (xi) assigning duties to, changing and consolidating city departments.

b) The Mayor’s duties and authority are as follows:

- (1) The Mayor is the ceremonial head and chief executive officer of the city and shall perform all duties provided or required of . . . [the mayor] by law or by the council.” City Charter § 5.4(a). The Mayor therefore serves when state or federal law specifies roles or responsibilities for a city’s “chief executive officer” or the mayor, or when the City Council by ordinance, resolution or motion authorizes or directs the Mayor to act.
- (2) The Mayor serves as the presiding officer of the Council but is a member of the Council with all the powers and duties of a Council member, including the right and duty to vote on questions before the Council. . The Mayor advises the Council concerning the public affairs of the City and makes recommendations thereon. As a member of the Council with voting rights, the Mayor does not have veto power. City. (This contrasts with strong-mayor governments in which the mayor is not a member of the council/commission and has no voting rights.)
- (3) In emergencies, the Mayor has powers conferred by law upon peace officers and shall exercise such powers to prevent disorder, to preserve the public peace and health, and to provide for the safety of persons and property. City Charter § 5.4(e).

(4) The Mayor makes all appointments, subject to Council approval, unless law or ordinance requires appointment by another officer or agency. City Charter §§ 5.4(f), 8.2(b). Stated slightly differently, whenever a City appointment is to be made, the Mayor is empowered to make that appointment, subject to the City Council's approval, unless state or federal law, the City Charter, or a City ordinance delegates the appointment to others. This generally applies to City bodies and City-related bodies.

c) The City Manager's duties and authority are as follows:

(1) The City Manager serves as ". . . the chief administrative officer of the city." The City Manager therefore serves when state or federal law specifies roles or responsibilities for a city's "chief administrative officer." The City Manager exercises and performs all administrative functions of the City that are not imposed by law, the Charter or ordinance upon another official. No other city officer may perform the City Manager's duties. City Charter § 7.2(e).

(2) The role of chief administrative officer includes broad authority including responsibility for all City administrative departments and personnel. The City Manager is to implement City personnel policies and enter into employment agreements with City employees.

(3) The City Manager is to advise the Council and recommend to the Council adoption of such measures the Manager deems necessary or expedient.

(4) The City Manager attends Council meetings with the right to take part in discussion, but without the right to vote.

(5) More specific duties and responsibilities of the City Manager include:

(a) Enforcing all ordinances unless otherwise provided in the Charter, in the ordinance or by law.

(b) Appointing the emergency preparedness coordinator and the planning and community development director. City Code § 2-148.

(c) Proposing an annual budget to the City Council and administering the annual budget approved by the City Council.

(d) Performing other duties as may be prescribed by ordinance or by direction of the Council.

(e) Adopting administrative regulations. City Code § 2-61.

(f) Acting as the City's purchasing agent or designating another purchasing agent and overseeing purchasing. City Code § 2-383.

(g) Recommending to the Council to prescribe by ordinance additional powers and duties to city officers and departments. City Charter § 8.17.

5) The City Manager serves at the pleasure of and is accountable to the City Council. Note, if there is a vacancy in the office of City Manager, the City Council must appoint non-elected person to serve as an interim City Manager. City Charter § 7.2(f).

d) The City Attorney's duties and authority are as follows:

- (1) The City Attorney serves as legal adviser to: (i) the City Council concerning the performance of its functions and duties, (ii) the Clerk, Treasurer, Assessor and City Manager concerning their statutory and Charter duties, and (iii) City boards. The City Attorney attends Council meetings.
- (2) The City Attorney prosecutes violations of City ordinances and represents the City in civil and administrative proceedings.
- (3) The City Attorney prepares or reviews ordinances, regulations, contracts, bonds and other instruments.
- (4) The City Attorney provides legal opinions regarding the documents the City Attorney reviews and on such other matters as requested, filing a copy with the Clerk.
- (5) The City Attorney performs other duties as prescribed by law, the Charter or the Council.

RULE 3. OATH OF OFFICE; DUTIES ASSUMED; MAYOR PRO TEM APPOINTED

- a) On the first Monday in December following their election, newly elected members of City Council shall take the oath of office and assume the duties of their office. [Section 5.3] See Appendix A for Sine Die procedure.
- b) On the first Monday in December after each City general election, the City Council shall appoint one of its elected members to serve as Mayor Pro Tem. [Section 5.5]

RULE 4. REGULAR AND SPECIAL MEETINGS

- a) Regular meetings: Regular meetings of the City Council shall be held each month on the days prescribed by resolution beginning at 7:00 p.m. Each calendar year there shall be posted within 10 days after the first meeting of the Council a public notice stating the dates, times and places of the regular meetings. If there is a change in the schedule of regular meetings, a notice shall be posted within 3 days after the meeting at which the change is made listing the new dates, times and places of the regular meetings. [Open Meetings Act; Section 5.6]
- b) Special meetings: (City Charter 5.6) Special meetings of the council shall be held at the regular meeting place of the council or at an alternate meeting place when notice of such alternate meeting place is posted at the main entrance to the city hall during such meeting. Special meetings shall be called by the clerk on the written request of the mayor, or of any two (2) members of the council. If the capacity of the Council chambers is deemed insufficient to hold the audience that wishes to attend the council meeting, council may decide to move the meeting to a larger venue.

At least eighteen 18 hours written notice shall be given designating the time and purpose of a special meeting. Such notice shall be given personally by the clerk to each member of the council or written notice may be left at their usual place of residence or business by the clerk or by someone designated by him. A copy of such notice shall also be delivered at the place of business of each newspaper printed and published in the city, but this requirement shall not be jurisdictional to the holding of any such meeting.

- c) Study Sessions: In addition to regular and special meetings, the Council may hold study sessions from time to time for gathering information and for deliberating towards a decision on any matter. All actions and final decisions shall be made only at a subsequent regular or special meeting. The study sessions shall be open to the public and shall comply with the posting

requirements of Act 267, Michigan Public Acts for 1976, as may be amended. For the purpose of posting only, the study sessions shall be considered as special meetings.

- d) Closed Sessions - In accordance with the Open Meetings Act, MCL 15.268, the council may meet in a closed session only for one or more of the permitted purposes following a roll call vote:
- (1) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing (that request may be withdrawn at any time).
 - (2) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing
 - (3) Upon a 2/3 vote of the members elected or appointed, to consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
 - (4) Upon a 2/3 vote of the members elected or appointed, to consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the city.
 - (5) Upon a 2/3 vote of the members elected or appointed, to review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, all interviews by the city for employment or appointment to a public office shall be held in an open meeting pursuant to the Open Meetings Act.
 - (6) Upon a 2/3 vote of the members elected or appointed, to consider material exempt from discussion or disclosure by state or federal statute. (This is the basis for a closed session discussion of written legal opinions.)

RULE 5. STANDING COMMITTEES

In accordance with [Section 5.6(b)] of the City Charter, there shall be no standing committees of the City Council. This does not, however, prohibit the designation of three (3) or fewer Council Members working together, without compensation, to gather information and/or research a specific subject and to report back to the full City Council at a later date.

RULE 6. QUORUM

At any regular or special meeting, four (4) members of the City Council shall be a quorum for the transaction of business. In the absence of a quorum, any number of members less than a quorum may adjourn any regular or special meeting. [5.6(h)] Regular meetings that have been adjourned due to a lack of a quorum shall have the agenda material carried over to the next regular meeting unless a special meeting is scheduled prior to that time to deal with those items. Special meetings adjourned due to a lack of quorum shall be rescheduled to a date determined by the authority who called for the meeting. Notices shall be posted in accordance with state law.

RULE 7. CONDUCT OF MEETINGS

- a) *Chair*: The Mayor, or in the Mayor's absence, the Mayor Pro Tempore, shall be the Chair and preside over the meetings. If both the Mayor and Mayor Pro Tempore are absent, the City Clerk shall call the City Council to order and call the roll. If a quorum is present, the Council shall elect, by a majority of those members present, a temporary Chair to act until the Mayor or the Mayor Pro Tempore appear.
- (1) The Chair's role is to serve the Council by implementing these rules of procedure to facilitate the orderly conduct of Council business.
 - (2) The Chair represents the Council during the meeting, declaring the Council's will and obeying the Council's commands resulting from motions and other actions in accordance with these rules of procedure.
 - (3) The role as Chair is in addition to any other roles the Chair may have as Mayor, Mayor Pro Tem, or as another Council Member.
- b) *Preservation of order*: The Chair shall conduct the meeting, arrange the seating, preserve decorum, and decide, subject to appeal, questions of order and the interpretation of these rules. Appeals of such interpretation may be made by any Council Member present. The City Attorney normally shall be the advisor of the Chair on any point of order or procedure under these rules. Council Members shall remain seated, unless needing to leave the Council chamber on an urgent matter, refrain from private discourse, and refrain from electronic communication while the Council is in session. A Council Member speaking may be interrupted only
- (i) when the Chair determines the speaking Council Member is out of order,
 - (ii) for a point of order,
 - (iii) when asked to yield, or
 - (iv) when such interruption is needed to restore order due to the inappropriate conduct of others.
- If attempts to restore order by calls to do so, instruction, and use of the gavel are unsuccessful, the Chair may
- (i) call a recess,
 - (ii) adjourn the meeting, or
 - (iii) request that a Public Safety Officer remove any person(s) engaging in conduct that is out of order.
- c) *Council Members*: When a Council Member wishes to speak, the Council Member shall respectfully request the Chair's recognition. If two or more Council Members wish to speak, the Chair shall normally first recognize the Council Member who asked the item to be placed on the agenda, then recognize the maker of the motion, and then recognize Council Members in the order they requested to speak. The Council Member seeks recognition by raising their hand. Council Members shall confine their comments and statements to the question under consideration. No Council Member shall speak more than twice on any question until every other Councilperson has had an opportunity to speak at least once on the subject under debate. No Council Member shall speak for more than ten minutes on an agenda item without approval from the Council which may be granted by the Chair if there are no objections from other Council Members or by a majority vote of the members present.
- 5.c.1 Call Member to Order: If any Council Member, in speaking or otherwise, fails to comply with these, the Chair shall, either unilaterally or following a point of order by another Council Member, call the offending Council Member to order. The question of order

shall be decided by the Chair, without debate, subject to appeal. (Robert's Rules of Order, 11th Chapter 20, Section 61)

5.c.2 Personal comments about, attacks against, or imputing the motive of other Council Members, City Staff members, or members of the public are out of order.

- d) Legal counsel: The Chair, on the Chair's own initiative or at the request of a Council Member, may call upon the City's legal counsel in any meeting of the Council, to advise the Council upon any pertinent question of law. A decision by the Chair not to seek the advice of the City's legal counsel when sought by a Council Member may be appealed.
- e) As outlined in the City Charter [*Section 7.2(d)(2)*] the City Manager may participate in Council discussion but may not vote on any matter.

RULE 8. PUBLICATION OF NOTICES

Official notices or proceedings requiring publication or posting shall be displayed on the bulletin board located in City Hall or on the City's official web site. In the event publication is required by law in a newspaper of general circulation, *The Recorder*, and the *Albion E-News* which are circulated in Albion, are designated as the official newspapers for the City of Albion.

RULE 9. CITIZEN PARTICIPATION

Members of the audience attending regular or special meetings shall have a reasonable opportunity to be heard, except as otherwise may be provided by law, as follows:

- a) Regular and Special meetings: The Chair will recognize each person wishing to make comments and the person shall state the person's name, address and group affiliation (if appropriate) prior to speaking. No citizen shall speak more than once during each of the following segments unless permission is given either by the Chair, if there is no objection from any Council Member, or upon a motion of the Council:
 - (1) Public hearings: When a public hearing on a matter has been scheduled, City Council will hear and consider any comments presented by interested parties or audience members on the specific subject of the hearing. The Chair may, if appropriate, limit the amount of time per person based on the requests and determine when the public has had its opportunity to be heard. Public speakers may address the council on the issue of the public hearing for one three (3) minute period.
 - (2) Public comment: At the appointed times at the beginning of regular and special meetings, speakers may address the City Council on agenda items only, for one three (3) minute period. Additionally, at the conclusion of the agenda, speakers may address the council on any issue they wish to speak, also for one three (3) minute period.
- b) Study Sessions: At the conclusion of the Special Meeting agenda, speakers may address the council on any issue they wish to speak, also for one three (3) minute period.
- c) No response. Public hearings and public comment periods are times to hear from the public. Therefore, the Chair and other Council Members shall refrain from answer questions, correcting speakers or otherwise responding or reacting to any comments until after the public hearing or public comment period is closed and Council comments are appropriate under the agenda item.
- d) Time Deviation: Time allowed for a speaker during a public hearing or public comment period may be extended beyond the three (3) minute limit for good reason either by the Chair if there is no objection from any Council Member or upon a motion of the Council. Good reason for allowing more time includes, for example and not for limitation, that a speaker is representing a group and the extension of time granted the speaker will reduce the numbers of persons who speak and the overall time expended, the complexity of the issue addressed, and other reasons as determined by the Council. The time allowed for speaking may for good reason also be

further limited, either by the Chair if there is no objection from any Council Member or upon a motion of the Council. Good reason for further limiting the time allowed includes, for example and not for limitation, the number and complexity of agenda items and the number of persons wishing to address the City Council.

- e) Conduct of speakers and audience members: Comments (i) are to be loud enough to be audible but not so loud as to be inappropriate for a meeting, (ii) must avoid coarse language or cursing, (iii) may not include personal attacks, (iv) may not be addressed to anyone other than the Council or the Chair, and (v) may involve a single speaker (except when the speaker requires assistance). Comments may not include demonstrations, or materials that, when used, could be hazardous or unduly disruptive to the meeting. To preserve the order and decorum of Council meetings, the audience shall refrain from cheering and applauding during the course of the meeting.
- f) Disorderly conduct: The Chair may call to order any person or persons who are being disruptive, disorderly, speaking out of turn or beyond the allotted time, etc. Such persons shall promptly obey the rulings of the Chair if called to order. If the person fails to obey the ruling, the Chair may direct the removal of the person from this meeting.
- g) Written communications: The Council shall accept written comments and copies of any submitted materials will be distributed to all Council Members. Individuals or groups are encouraged to submit written comments to the City Council via mail, e-mail or delivered to the City Clerk's office for distribution. If requested by the writer, the communication may be added to the appropriate agenda for receipt and/or action as deemed appropriate by the City Council. Written comments may be submitted during the meeting. They may, with permission of the Chair, be handed to the Clerk for distribution to the Council.
- h) Handouts, supporting materials, photographs, etc.: Persons wishing to provide copies of comments, handouts, presentations, supporting materials, photographs, etc., are encouraged to submit such items to the City Clerk's office prior to the start of the meeting for distribution to the City Council. The use of audio or electronically displayed materials by citizens during public comment segments is not allowed. An exception may be given by prior permission of the Chair provided the electronic materials compatible with City equipment and software, is provided to the City Clerk's office at least two (2) business days prior to a meeting, is appropriate for viewing by all, and is consistent with the public comment requirements in Rule 9(e) above.

RULE 10. AGENDAS AND ORDER OF BUSINESS

- a) Regular meeting agendas: The City Clerk, with the City Manager and supporting staff, shall be responsible for the preparation of the agenda and supporting material for each regular meeting as follows:
- (1) Requests by members of the City Council, the Mayor, and the Administration for resolutions and documents to come before the City Council at any regular meeting shall be submitted before 12:00 noon to the City Clerk and City Manager five business days prior to the next council meeting. Items not received by the deadline may be considered at the subsequent regularly scheduled meeting.
 - (2) Requests by members of the City Council or the Mayor, or staff, for administration to prepare simple and uncomplicated resolutions or proposed ordinances, or to take specific action, provided said request is permitted by state law and/or the City Charter, shall be made, in writing, through the City Manager, Mayor, and Clerk five (5) days prior to the regular meeting in which it is desired. Said requests for action may be added to the agenda for a vote by the council.
 - (3) The agenda shall be furnished to the City Council on the Thursday prior to the regular meeting. On the day following delivery of the agenda to the City Council, if practicable, the agenda will be available on the City's web site and a paper copy can be viewed at the City Clerk's office during normal business hours.
 - (4) The City Council may by an affirmative vote of at least five (5) members approve the addition, or removal, of agenda items. The motion to add, or remove an item shall occur at the beginning of the meeting, immediately after the previous minutes have been approved.
 - (5) Except for routine items, an agenda shall not request final action on any item for which that agenda is the first communication about that item.
- b) Special meeting agendas: If necessary, the City Clerk shall prepare an agenda for special meetings, in consultation with the Mayor, the council, and the City Manager, based on a written request for a special meeting. **No additional Agenda items can be added during a Special Meeting.**
- c) Order of Business - regular meetings: The order of business at any regular meeting shall be as follows:
- Call to order
 - Moment of Silence
 - Pledge of Allegiance
 - Roll call
 - Approval of Agenda (including any proposed additions, deletions or other changes)
 - Presentations and Recognitions: These items include proclamations, commendations and recognitions or items prepared by City administration, City boards and commissions or other City-related agencies. Presentations shall be limited to 10 minutes or less unless the extended either by the Chair if there is no objection from any Council Member or upon a motion of the Council.
 - Public Hearings: Resolutions and/or ordinances applicable to a public hearing shall be considered immediately following the hearing.
 - Public Comment – Persons addressing the City Council shall limit their comments to agenda item only, and to no more than 3 minutes. Proper decorum is required.
 - Consent Agenda: Approval of all meeting minutes called by council (regular, special, study sessions, etc.), routine permits and other routine approvals, routine bid awards, routine

approvals of bills and payments, scheduling of special meetings or study sessions, scheduling of public hearings, and other routine matters. At the request of any Council Member a consent agenda item will be removed from the consent agenda and considered separately

- Items for Individual Action or Discussion – The work of the council; approval of resolutions, ordinances, Tabled items, action of the City Manager that requires approval of Council, Council items of discussion, approval of board appointments, Approval of contracts, etc.
- Future Agenda Items – Individual members of council and the Mayor may bring future agenda items to the floor for discussion and approval.
- Motion to Excuse Absent Council Member(s).
- Public Comment – Persons addressing the City Council shall limit their comments to items not on the agenda and to no more than three (3) minutes. Proper decorum is required.
- City Manager Report
- Mayor and Council Member Comments
- Adjournment

RULE 11. RESOLUTIONS

- a) A resolution or motion shall be limited to matters required or permitted to be done by the Charter, or by state or federal laws, or pertaining to the internal affairs, or concerns of the city government. Except when it is impractical to do so or for procedural motions, all resolutions, and long or complicated motions or amendments, shall be in writing before being acted upon by the City Council.
- b) Upon the reading by the Mayor of the Title of the resolution, and a brief summary, it shall be for any member of the City Council to move for its adoption. City Council Members can request the Mayor to allow for explanatory or clarifying comments from the City Manager or relevant staff member before an initial motion is made. Before the question is put to a vote, an opportunity for debate, amendment or other appropriate action shall be afforded the City Council.
- c) A resolution is an official City Council action in the form of a motion adopted by an affirmative vote of at least four (4) members, unless otherwise provided by law. A resolution becomes effective on the same day on which it is adopted unless a subsequent date is contained within the resolution.

RULE 12. ORDINANCES

- a) An ordinance is a legislative act establishing a more permanent influence on the City other than a resolution and requires greater formalities in its adoption. In addition to other acts required by law or by specific provision of the City Charter to be adopted by ordinance, acts which do any of the following shall be by ordinance:
 - a. Each proposed ordinance shall be introduced in written form. The style of all ordinances passed by the council shall be, "The City of Albion Ordains:"
 - b. No ordinance shall be passed at the same meeting at which it is introduced, unless it is declared to be an emergency ordinance by a vote of not less than five (5) members of the council.
 - c. An ordinance may be repealed or amended only by an ordinance passed in the manner provided in this section.
 - d. An ordinance may be repealed by reference to its number or title only.
 - e. If a section of an ordinance is amended, such section shall be re-enacted and published at length. This requirement shall not apply to zoning ordinance amendments or to the schedules of one-way streets and of parking limitations contained in any traffic ordinance.

- f. Each ordinance, after adoption, shall be identified by a number.
- g. Each ordinance shall be recorded by the clerk forthwith in the ordinance book, and the enactment of such ordinance shall be certified by him therein by his signature.

State law reference—Mandatory that charter provide for ordinance adoption procedures, MCL 117.3(k).

RULE 13. MOTIONS

- a) *Generally*: All motions shall be moved and seconded before being considered. All motions, especially long or complicated motions shall be put in writing, except when it is impractical to do so or for procedural motions. An opportunity for debate, amendments, or other appropriate action, shall be afforded the members of the City Council, except as otherwise stated in these rules. Each amendment proposed shall be considered a separate question.
- b) *Debate*: Council Members wishing to speak during debate shall first obtain the approval of the Chair and each member who speaks shall address the Council. A Council member cannot speak against his or her own motion, but may vote in the negative. The member making the motion may speak on it first, if he or she expresses a desire to do so.
- c) *Withdrawal*: A Council Member, with the consent of the supporting Council Member, may modify or withdraw his or her motion provided no member objects if the motion is modified or withdrawn. If a member objects to the withdrawal of a motion and a second is received, a vote is immediately taken on the request to withdraw the motion. Friendly revisions to motions agreed to by the Council Member moving and seconding the motion may be made.
- d) *Passage*: Passage of all procedural motions or appeals of the Chair shall be on the affirmative vote of at least a majority of those Council Members present, unless otherwise provided for by law, the Albion City Charter, or by these rules. Approvals of any ordinance, resolution or other official Council action requires the affirmative vote of at least four (4) Council Members, unless a larger majority is required by law.
- e) *Motion under consideration*: Whenever a main motion or question is under consideration, no other motion can be made except:
 - to adjourn – undebatable
 - to rise to a question or privilege – undebatable
 - to lay on the table – undebatable
 - to call for the previous question – undebatable
 - to limit or extend limits of debate – undebatable
 - to postpone to a certain day – undebatable
 - to commit or refer, or recommit, to a committee –undebatable
 - to amend – debatable
 - to postpone indefinitely – debatable
 - (f) See Appendix “A” for a “Chart of Motions” listing details about the handling of the various types of motions.
- f) *Division of Question*: On the call of any member, supported by a majority vote of the members present, a division of any question shall be made when the question will admit of a division so distinct that if one part be taken away, the other will stand as an entire question for decision.
- g) *Ask for Previous Question*: When the previous question is moved, it shall be put in these words: “I move the previous question.” This shall be ordered only by 2/3^{ds} majority of the members present. The effect of the previous question shall be to put an end to all debate and to bring the Council to a direct vote on the pending question or questions in their order down to, and including,

the main question. If the previous question is not ordered, the consideration of the subject shall be resumed as though no motion for the previous question has been made.

- h) *Questions Put and Calling Roll:* Questions shall be distinctly put in the following form: "All in favor say 'Yes'." And after the affirmative vote is expressed, "All opposed, 'No'." The Mayor may order a roll call vote, but a roll call vote is mandatory upon the request of any member or on the following actions of Council or a Committee of the Council: ordinances, resolutions, the appointment or election of officers, except as provided otherwise by law or the rules of the Council. The calling of the roll shall be on a rotating basis, so as to permit Councilmembers to first vote on an equal basis. It shall be the privilege of any member of the council to change his or her vote upon any question prior to the announcement of the vote by the Mayor.
- i) *Debate During Roll:* While the Mayor is putting any question, or once roll call voting has started, there shall be no interruption.

RULE 14. APPEALS

Any Council Member may appeal a ruling/decision of the Chair and the appeal is debatable. The Chair shall then put the question, generally phrased as, "Shall the decision of the Chair stand as the decision of the Council?" If adopted, the ruling of the Chair is sustained (stands); otherwise, it is overruled (ruled against). If an appeal is tabled, it does not carry with it the subject matter being discussed at the time of the appeal.

RULE 15. POINT OF ORDER

When a member believes the rules are not being followed, a member may demand the ruling of the Chair. The Chair shall promptly rule and enforce the rules, if appropriate. The Chair's ruling on a Point of Order may be appealed.

RULE 16. RESCIND

Any vote taken may be rescinded, unless something has been done as a result of the vote that the Council cannot undo. Legal counsel shall determine whether or not reconsideration creates a potential legal liability for the city and will advise accordingly.

RULE 17. SUSPEND THE RULES

Any rule may be temporarily suspended by an affirmative vote of at least five (5) members, unless a different number of votes are specifically stated in a rule. Rule 20 shall not be suspended, nor shall any rule be suspended if it is a restatement of a requirement of state law, the City Charter or City Code.

RULE 18. RECONSIDERATION.

A motion to reconsider a vote, including a vote resulting in a tie, or other action that has been taken by the Council may be made, provided no action has been taken in reliance upon such vote or action in accordance with the following:

- a) A Council Member on the prevailing side on a vote or action may move for reconsideration of such vote or action at the same meeting the vote or action was made or at the next regular Council meeting, but at no other subsequent meeting.
- b) No vote or other action shall be reconsidered more than once. A motion to reconsider shall require the affirmative vote of a majority of Council Members serving.
- c) If a motion to reconsider fails, it cannot be renewed.
- d) This does not preclude the Council from again dealing with an issue, policy, decision or other action based upon significant new information unavailable to the Council when the decision or other action was initially taken.

RULE 19. VOTING

- a) The Chair determines when to close debate after determining if all Council Members have been given an opportunity to be heard and to call for a voice vote or a roll call vote of the question. Roll call votes shall be taken when required by law or by these rules of procedure. If a voice vote is taken, and the vote is less than unanimous, either the Chair or any Council Member may request a show of hands to verify the motion was approved. Any Council Member voting against a motion may request that the minutes reflect his or her “no” vote.
- b) Council Members in attendance shall have a duty to vote for or against all measures before the City Council, unless there is a financial conflict of interest and they have been excused by the remaining council members. Conflicts shall be governed as follows:
 - (1) Except for public contracts governed by the Contracts of Public Servants with Public Entities Act (Act 317 of 1968), no member of the City Council shall have an interest, directly or indirectly, in any contract, job or work with the City. No member of the City Council shall be financially interested directly or indirectly in the sale to the City of any land, materials, supplies or services. This does not apply to the official services of his or her office.
 - (2) The foregoing prohibitions of paragraph (a) above, as they apply to a Council Member or Council Members, shall not apply if the City Council shall declare on its records by an affirmative vote of five (5) of the remaining members of the City Council that the best interests of the City are served despite a personal interest, direct or indirect, and if in compliance with the Contracts of Public Servants with Public Entities Act (Act 317 of 1968).
 - (3) If a Council Member shall have a conflict or believes he/she may have a potential conflict of interest as shown in paragraph (a), the member shall immediately disclose the nature and extent of his or her interest prior to the consideration of the agenda item involved. If it is determined, in consultation with legal counsel and review of the Charter and state law that a conflict does not exist, or the City Council has declared on its record the best interests are served despite the personal interest, the member may participate in the deliberations and shall vote on such matter.
- c) Roll call votes shall be called by the City Clerk in a rotating order and entered upon the record, except that when the vote is unanimous, it shall only be necessary to so state. The Chair shall always vote last. Once voting begins, no Council Member shall be entitled to speak on the question, nor shall any motion be in order, until the roll call is finished, and the results declared.
- d) Procedural matters may be decided by a voice vote if declared by the Chair. Such procedural matters include motions to adjourn, receive and file, refer a matter, approve the minutes or to accept or decline an invitation. The Chair shall announce the result of the voting. Upon any such matter, a majority of the quorum present shall be sufficient to carry such a motion, unless the Charter or other rule herein specifically requires a greater majority.
- e) All resolutions, ordinances, motions or declarations shall be adopted or passed by an affirmative vote of at least four (4) members, unless otherwise provided by law.
- f) A Council Member may change their vote if he or she makes a request to do so immediately following the vote and prior to the time that the next item in the order of business is taken up. The vote shall be changed and the record shall reflect the Council Member’s changed vote. Such member shall not be permitted to make any other change of vote upon the same question, except upon a properly introduced motion to reconsider.

RULE 20. AMEND/REPEAL RULES

These rules may be amended or repealed by resolution of the City Council and shall not be finally passed at the same meeting at which it is introduced, and such resolution shall be postponed for final consideration until the next regular meeting or until such further time as the City Council shall determine. This rule shall not be suspended.

Appendix A
Chart of Motions

NOTE: Each item below lists if a motion can be debated, amended, tabled or reconsidered.

Motion	Explanation
General Information about Motions	<ul style="list-style-type: none"> ➤ All motions moved & seconded ➤ Long/complicated motions reduced to writing by mover ➤ Each amendment is a separate question ➤ During debate, members shall speak once, except in rebuttal or explanation, or unless Chair or members consent ➤ Passage requires at least four (4) affirmative votes of the members, unless state law or a rule provides otherwise <ul style="list-style-type: none"> ➤ Mover of motion may: <ul style="list-style-type: none"> • Speak first • Cannot speak against own motion • Can vote in the negative • May withdraw own motion if there are no objections; otherwise four (4) affirmative votes are required to withdraw a pending motion
Adjourn	Ends the meeting. Cannot offer to adjourn if a motion to fix time to adjourn is pending.
Adjourn, Fix time to	Sets the time for continuation of a meeting. Debatable, Amendable, Reconsider
Amendments	An amendment proposes a change to a main motion. Each amendment proposed shall be considered a separate question and shall be dealt with before any other amendment is offered. Debatable, Table, Reconsider
Appeals	Any Council Member may appeal a ruling or decision of the Chair. The Chair shall then put the question, generally phrased as, "Shall the decision of the Chair stand as the decision of the Council?" If adopted, the ruling of the Chair is sustained (stands); otherwise it is overruled (rejected). *If an appeal is tabled, it does not carry with it the subject matter being discussed at the time of the appeal. Debatable, Table* (see above sentence), Reconsider
Call the Question	Any member, <i>except the member who moved the pending motion</i> , can move to close debate. The motion may be limited by the mover to one or more questions preceding the main question. If this motion is adopted, the vote on the pending motion is immediately taken. If rejected, debate continues. Reconsider
Clear the Floor of Motions	Used if procedural matters have become sufficiently confusing. If adopted, it shall clear the floor of all procedural motions as though they have been withdrawn. *Reconsider (*Only a failed motion can be reconsidered.)
Divide the Question	The division must divide the motion into two or more separate motions capable of standing as a complete proposition without the others. Debatable, Amendable, Reconsider* (*Only if a different division is offered.)
Object to Consideration	Motion is used to avoid consideration of a motion that is undesirable, impractical or improper matter. Must be made before or immediately after a main motion is opened for debate and before any amendments are made to it.

Chart of Motions

NOTE: Each item below lists if a motion can be debated, amended, tabled or reconsidered.

Motion	Explanation
Postpone to Another Day or Time	If adopted, the motion under consideration at the time is postponed until the stated date and/or time. The matter resumes under “Unfinished Business” if the date stated is another meeting. The matter does not require another motion and second before considering continues. Debatable, Amendable, Reconsider
Postpone Indefinitely	This motion is used to reject the main motion. Can be made only while a main motion is pending. If amendments are on the floor, this motion cannot be offered. Debatable, Reconsider* (<i>*Only an affirmative vote can be reconsidered.</i>)
Recess	Establishes a brief break in the meeting. Amendable, Reconsider
Reconsideration	See Rule 14 for complete details. Below is a general description of this rule: <ul style="list-style-type: none"> ➤ Be made on the same day of initial vote or at next regularly scheduled meeting following. ➤ Be made by a member on the <u>prevailing</u> side of the vote, or a member who did not participate in the original question, and shall be seconded by any Council Member. ➤ Requires the affirmative vote of the same majority of Council Members as was required for the original question. If the time limit has lapsed to reconsider a question, the rules may be suspended and the motion to suspend the rules shall require an affirmative vote of at least five (5) members. Debatable, Table
Rescind	Any vote taken may be rescinded, unless something has been done as a result of the vote that the Council cannot undo. This motion cannot be made if the question can be reached by a motion to reconsider. It shall require an affirmative vote depending on whether or not notice of the intent to rescind was provided at a previous meeting: <ul style="list-style-type: none"> ➤ If notice was given: Requires an affirmative vote of at least four (4) members. ➤ If notice was <u>not</u> given: Requires an affirmative vote of at least five (5) members. Debatable, Amendable, Table, Reconsider
Suspend Rules	Any rule may be temporarily suspended by an affirmative vote of at least four (4) members , unless a different number of votes are specifically stated in a rule. Rule 18 shall not be suspended, nor shall any rule be suspended if it is a restatement of a requirement of state law, the City Charter or City Code. Debatable
To Table	This motion temporarily suspends debate/action on a motion and all of its pending subsidiary motions. If adopted, only the main motion and any adopted or pending amendments to the main motion are tabled. If the tabled motion is not taken from the table by the end of the current meeting or the next regular meeting following, the main motion dies.
Take from the Table	This motion would take up a matter previously tabled. This motion is <u>not</u> in order unless some business has been transacted since the question to table was adopted. The same question can be again tabled after additional debate has occurred. NOTE: Tabled motions to reconsider cannot be taken from the table.

APPENDIX B – SINE DIE PROCEDURE

The City Council biennially after the November City election adjourns the former Council “sine die,” Latin for “indefinitely.” The following is a recommended procedure for the transfer of Councils.

1. Call To Order (by current Mayor)
2. Moment of Silence
3. Pledge of Allegiance
4. Roll Call
5. *Council Comments* (This time is offered for outgoing Council Members to make final comments prior to the expiration of their term of office.)
6. Adjournment Sine Die

Mayor requests a motion and support to adjourn “sine die.” Once voted, the Council is adjourned “indefinitely”.
7. Reorganization of the Council
 - a. Mayor and Council Members step down from their places.
 - b. New Council Members and Mayor take their places at the Council table.
 - c. Clerk offers oath of office to new Mayor.
 - d. Clerk offers oath of office to each new Council Member.
 - e. Clerk presents the Albion City Council to the Mayor and requests a “call to order”.
8. Call To Order (By new Mayor)
9. Roll Call
10. Nomination of the Mayor Pro Tempore
 - a. A motion to receive nominations is made and supported.
 - b. Nominations are received. No support for each nomination is required.
 - c. A motion to close nominations is made and supported.
11. Election of the Mayor Pro Tempore

A motion to elect the first nominee is made. If there is support, discussion is requested. If none, a vote is made, generally a roll call vote. If approved by the vote the nominee is elected Mayor Pro Tempore.

If the motion fails, a motion to elect the second nominee is made and supported, discussed if needed and voted. If approved, the nominee is elected Mayor Pro Tempore. (And so on.)

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*Note: The index is provided for convenience and may be altered when necessary to add additional indexing

Parcel Number	Address	Local Unit	Bidders Name	Special Details	BOLE CONTRACTING	HINDY ERGOVHTING	PARBAKER DEMOLITION	CHACON DEMOLITION	JMIB DEMOLITION
5680-00-083-0	151 Upton Ave	City of Battle Creek		House only	10,500 -	10,000 -	—	15,500 -	16,300 -
3560-00-030-0	78 Ann Ave	City of Battle Creek			10,100 -	11,000 -	9,245 -	18,000 -	12,300 -
3550-00-013-0	162 Manchester St W	City of Battle Creek			10,100 -	12,000 -	11,100 -	15,500 -	15,250 -
3550-00-014-0	166 Manchester St W	City of Battle Creek			10,100 -	12,000 -	10,900 -	15,500 -	15,250 -
3550-00-038-0	161 Oaklawn Ave	City of Battle Creek			10,100 -	17,500 -	13,400 -	28,000 -	28,000 -
3560-00-030-0	68 Oaklawn Ave	City of Battle Creek			10,100 -	10,000 -	9,100 -	12,500 -	10,400 -
1730-00-053-0	301 Battle Creek Ave	City of Battle Creek			7,500 -	7,200 -	7,400 -	9,500 -	9,400 -
6110-00-201-0	401 Goguen St W	City of Battle Creek			8,500 -	7,200 -	7,700 -	9,500 -	12,000 -
08-181-042-00	12324 T Dr N	Home Creek (Convis Twp)			14,700 -	4,000 -	5,500 -	—	15,000 -
43-120-240-00	110 Clay S	Homer Village			9,500 -	8,400 -	8,800 -	10,500 -	—
43-120-063-00	106 Everett E	Homer Village			8,500 -	7,200 -	8,900 -	12,500 -	—
04-090-055-00	22220 Bedford Rd	Bedford Twp		Potential ACM	10,100 -	—	—	—	48,500 -
6550-00-044-0	319 Hamblin Ave	Battle Creek		Potential ACM	74,100 -	—	—	—	48,500 -
6810-09-002-0	201 Post Ave	Battle Creek		Ordered/Noticed ACM Demo	7,500 -	—	—	—	8,350 -
10-009-002-00	994 Michigan Ave E	Emmett Twp			9,000 -	6,500 -	6,700 -	—	8,350 -
04-410-055-00	8 Arlington Dr	Bedford Twp			7,800 -	7,000 -	7,740 -	10,500 -	10,400 -
51-001-1729-00	608 Austin Ave	City of Albion		Partial ACM	16,800 -	—	—	—	—

Average price/demo based on # of prices submitted

\$ - - - - - \$ - - - - - \$ - - - - - \$ - - - - - \$ - - - - - \$ - - - - -

*OK 10/18
OK 10/18 + 10*

John Tracy

From: Krista Trout-Edwards <kedwards@calhouncountymi.gov>
Sent: Wednesday, June 27, 2018 4:50 PM
To: John Tracy
Cc: Jim Dyer
Subject: Contract 608 Austin
Attachments: Contract Project Mgmt_CCLBA & Albion - Private Demo on Austin 6.27.18.docx

Hi John,

Attached is the *contract for project management* (instead of an MOU) for the demolition at 608 Austin Ave. Please note, that instead of tracking our staff time and seeking reimbursement we are asking for a flat rate of \$1250. This is the rate that we are reimbursed on a per project basis by the state for demolitions done under the grant, and I am confident that we can complete the work for that amount. I also think it is a defensible amount and is easier to manage than tracking time and seeking reimbursement. Please review with your legal counsel.

Also, we have already released the RFP to get a demo price, it is due back on July 10th.

Krista

KRISTA TROUT-EDWARDS
Executive Director 269.781.0859ph



315 W Green St, Marshall MI 49068
calhounlandbank.org



Please consider the environment before printing this e-mail.

This message has been prepared on resources owned by Calhoun County. It is subject to the Electronic Communications Policy of Calhoun County.

CONTRACT FOR PROJECT MANAGEMENT

The City of Albion ("City"), located at 112 W. Cass St., Albion, MI 49224, and the Calhoun County Land Bank Authority ("CCLBA"), located at _____, desire to enter into an agreement to allow the demolition of a privately owned structure by CCLBA on property located in the City of Albion at 608 Austin Avenue. In furtherance of that goal, the parties herein hereby enter into an agreement regarding the same with the following terms:

1. The structure(s) to be demolished is privately owned, and is commonly known as 608 Austin Avenue;
2. The City received a Default Judgement ("Judgement") from the 37th Circuit Court in Calhoun County on May 22, 2017, (see Attachment A) regarding the structure;
3. The Judgement states that "...if the Defendant fails to demolish and abate any and all nuisances located upon its property within thirty (30) days, the City of Albion may undertake any steps necessary to demolish and abate any and all nuisances located upon Defendant's property...";
4. At its meeting on June 4, 2018, which was more than one year after the Judgement, the Albion City Council voted unanimously to enter into a MOU with the CCLBA to engage the CCLBA as a project manager for this demolition and to use its contractors to perform the work;
5. CCLBA will abate hazardous materials and demolish any and all structure(s), dwelling(s), and accessory structure(s) on the parcel at 608 Austin Avenue as allowed under the Judgement;
6. CCLBA will approach this demolition as a partial asbestos containing demolition due to the deterioration of the structure and the inability to obtain a full hazardous materials survey of the site;
7. The City of Albion will assume all monetary responsibilities for this project, including a flat rate personnel costs for the CCLBA, abatement and demolition project costs, and mutually agreed upon change orders in accordance with Schedule A,;
8. The City of Albion also will assume all responsibility communication with the property owner, including notification of the demolition schedule;
9. This Agreement shall be construed under the laws of the State of Michigan. Any and all claims, disputes, lawsuits, controversies, actions, or litigation arising out

of this agreement shall be brought in either the 10th District Court or the 37th Circuit Court for Calhoun County, Michigan.

10. The demolition of the structure(s) will take place as permitted under the guidelines of the CCLBA's blight elimination work, and it expects to complete it no later than December 31st, 2018;
11. The vacant lot at 608 Austin Avenue shall remain in private ownership after the demolition;
12. The City agrees to indemnify, defend and hold harmless the CCLBA and Calhoun County, together with its elected and appointed board members, officials, employees, agents, representatives, from any responsibility or liability for personal injury, including death, and damage to or loss of property whatsoever, that may occur while CCLBA is performing under this agreement. ;
13. This agreement contains the complete expression of the agreement between CCLBA and the City, on the subjects contained herein and there are no other oral or written agreements or understandings between the entities and CCLBA concerning these subjects. Any prior agreements or understandings on the matters addressed in this Agreement are hereby rescinded, revoked or terminated. This Agreement may be modified or amended only by subsequent written agreement approved by the authorized representatives of the City;
14. If any part of this agreement is determined to be invalid, the rest of the agreement remains in full effect;
15. This agreement takes effect upon the signature of both parties.

IN WITNESS WHEREOF, the parties have executed this memorandum of understanding as of the date below.

Calhoun County Land Bank Authority

City of Albion

Signed: _____
Krista Trout-Edwards, Executive Director

Signed: _____
Scott Kipp, Interim City Manager

Date: _____

Date: _____

Schedule A

Project Costs

1. Personnel Cost – flat rate of \$1,250.00 for all of the project management;
2. Abatement Costs – estimated rate of \$4,024.75 based on the CCLBA's review of the hazardous material report provided by the City of Albion;
3. Demolition Cost – shall be the lowest responsible bid obtained through the CCLBA's procurement process and accepted in writing by the City of Albion;
4. Change Orders – requests based on changes in project scope or unforeseen site conditions that are deemed necessary and are approved in writing by both the CCLBA and the City of Albion.

Potential Funding Sources - Solid Waste

	<u>Budgeted</u>	<u>Estimated Expense</u>	<u>Potential Excess</u>	<u>Notes:</u>
Employee Structure	24,651.00	15,064.73	9,586.27	Budgeted for an assistant for the entire year. However, assistant wasn't hired until well into the year so City incurred no related expense during several months.
Local Match for Demo's	10,000.00	0.00	10,000.00	Budgeted \$10,000 in case Local Match dollars were needed for grants through the County for demolishing condemned houses. To date, no such County grants are in the works.
Emergency Demos	7,500.00	???	???	Budgeted \$7,500 for emergency demo in case there were fire or other damage on an un-insured structure. It is unknown at this time if the City will incur any costs in this area.
Leaf Pick Up	19,935.00	???	???	Budgeted \$19,935 for leaf pick up as a back up in case there were issues with the relatively new Granger leaf pick up service. In 2017 -0- costs were incurred in this area.

CURRENT ALBION STREET MILLAGE

Prepared 8/01/2018

Expiration Date	12/31/2020
Mills Levied	3.0000
Annual Revenue Collected (approx.)	258,832
Less DDA/Brownfield Capture	(7,750)
Less TIFA Capture	(12,625)
Less Delinquencies (approx)	<u>(6,471)</u>
Net Revenue Generated (approx)	231,986

To: Albion City Council

From: Ronnie Sims, Albion City Resident
517-803-0323

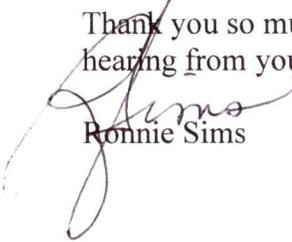
Date: July 10, 2018

Re: Property Purchase

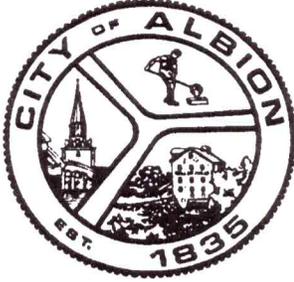
Please accept this letter as notice of my acceptance of the counter offer from Albion City Council to purchase 4 lots (708, 706, 704 & 702 W. Erie St.) for \$1 each (adjacent to my property, which is 710 W. Erie St.) with the understanding that I will be responsible for paying the fees & costs for Recording and Closing.

I would like to request at this time that I be able to close on each property at separate times. My goal is to complete the closings for all 4 properties within a 6-month period. I am willing to work closely with the City Attorney to schedule the dates and times to complete each transaction.

Thank you so much for your time and support regarding this transaction. I look forward to hearing from you.



Ronnie Sims



City of Albion

William L. Rieger Municipal Building
112 West Cass Street • Albion, Michigan 49224
(517) 629-5535 • Fax (517) 629-4168

APPLICATION FOR MEMBERSHIP AND/OR REAPPOINTMENT ON CITY BOARDS OR COMMISSIONS

Mail or Deliver Completed Application to: City Clerk
City of Albion
112 W. Cass Street
Albion, MI 49224

The information in this Application is requested to assist the Mayor and/or City Council in selecting individuals to serve on City Boards & Commissions. Completion of the Application and Consent and Certification is mandatory for consideration of appointment.

Thank you for your interest in serving on a City of Albion board or commission. The Albion City Council requires that every member of a board or commission meet the following qualifications:

- Appointee is not in default to the City (appointee does not have unpaid water/sewer bills, property taxes, income taxes).
- For most Boards & Commissions, appointee should be a resident of the City.

Name: Darrel Chris Farmer
(First) (Middle) (Last)

Home Address: 904 N. Superior St. Telephone #: _____

Place of Employment: Substance Abuse Prevention Services

Business Address: 600 E. MICHIGAN AVE Telephone #: 517-629-8610

E-Mail: dchrisfarmer@hotmail.com Fax: _____

Title/Type of Work: Prevention Specialist

Length of Residence in City: Life Own/Rent: own US Citizen: Y N

Educational Background: BA Psychology/Anthropology

Community Activities: Albion/Homer Substance Abuse Prevention Coalition

List Board or Commission on which you are interested in serving (see detailed descriptions on the City of Albion website):

- 1) ABA 2) _____
- 3) _____ 4) _____

Additional information on experience, qualifications, etc.:

Please comment briefly on why you wish to serve on a particular board or commission. Be specific as to your goals and ideas regarding how you wish to contribute to the work of the board or commission:

Continue providing support to a board /
commission that was getting weak but
now becoming stronger.

Relationship to City Officials/Department Heads: Are you, your spouse, or other close family members related to any City Officials or Department Heads? If yes, please explain: No

Business relationship: Do you, your spouse, or any close family member currently have a business relationship with the City of Albion? If yes, please explain: No

Convictions: Have you ever been convicted of any criminal violation? Have you ever been convicted of a felony while holding public office or public employment? If yes, please explain: No

REFERENCES:

Name: Harry J. Bonner Sr Relationship: Colleague

Telephone #: 517-914-5921

Name: _____ Relationship: _____

Telephone #: _____
Application for Membership

The following information and consent is necessary in order to conduct a proper review of your application for appointment. This information will be kept confidential.

CONSENT AND CERTIFICATION

I consent to the release of information concerning my ability and fitness for the position to which I seek appointment by my employer(s), school(s), law enforcement agencies, and other individuals and organizations to the City of Albion Office of the City Manager.

I hereby authorize the City of Albion to verify all the information I have provided on my application. I also agree to execute any additional written authorizations necessary for the City to obtain access to and copies of records pertaining to this information. I release the City of Albion and agencies who have released information from all liability arising from information given or received.

I certify that I can and will, upon request, substantiate all statements made by me on this application; that such statements are true, complete and correct to the best of my knowledge. I understand that a false statement, dishonest answer, misrepresentation or omission to any question will be sufficient for rejection of my application, removal of my name from the eligible list or my immediate removal should such falsifications or misrepresentation be discovered after I am sworn in to any Board or Commission.

I, Darrel C. Farmer, certify that the information provided
(Please Print)

in this application is, to the best of my knowledge, true and accurate.

Date of Birth: 06-04-1953

Signature: Darrel C. Farmer Date: 06-18-2018

Charlotte, MI Code of Ordinances

ARTICLE VI. ETHICS**§ 2-250 DEFINITIONS.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

CITY. The City of Charlotte.

EMPLOYEE. An individual employed by the city, whether part-time or full-time, but excluding city contractors and officials as defined in this section.

OFFICIALS. The elected officers of the city, the members of the appointed boards and commissions of the city, the administrative officers and department directors described in § 2-51 and the deputies of administrative officers and department directors.

RELATIVE. A person related to an official within the third degree of consanguinity or affinity.

(Ord. 2009-05, passed 10-26-2009)

§ 2-251 PRINCIPLES OF ETHICAL CONDUCT.

To ensure that every citizen can have complete confidence in the integrity of city government, each official shall respect and adhere to the following principles of ethical service.

(A) Public service is a public trust requiring officials and employees to place loyalty to laws, ordinances, rules and policies above private gain.

(B) Officials and employees shall not hold financial interests that conflict with the conscientious performance of duty.

(C) Officials and employees shall not engage in financial transactions using nonpublic city information or allow the improper use of such information to further any private interest.

(D) Officials and employees shall not, except pursuant to such reasonable exceptions as are provided by policy promulgated by the City Council, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the city, or whose interest may be substantially affected by the performance or nonperformance of the official's duties.

(E) Officials and employees shall put forth honest effort in the performance of their duties.

(F) Officials and employees shall make no unauthorized commitments or promises of any kind purporting to bind the government.

(G) Officials and employees shall not use public office for private gain for themselves or their relatives.

(H) Officials and employees shall act impartially and not give preferential treatment to any private organization or individual.

(I) Officials and employees shall protect and conserve city property and shall not use it for other than authorized activities.

(J) Officials and employees shall not engage in outside employment or activities, including seeking or negotiating employment, that conflict with official city duties and responsibilities.

(K) Officials and employees shall disclose waste, fraud, abuse and corruption to appropriate authorities.

(L) Officials and employees shall adhere to all laws and regulations that provide equal opportunity for all regardless of race, color, religion, sex, national origin, age or disability.

(M) Officials and employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to this article.

(Ord. 2009-05, passed 10-26-2009)

§ 2-252 IMPLEMENTATION.

The City Council shall implement the principles of ethical conduct contained in § 2-251 by promulgating policies, defining terms, establishing rules and regulations and providing sanctions or penalties for violations. The City Council shall have the authority to repeal, replace or amend such policies from time to time as circumstances warrant.

(Ord. 2009-05, passed 10-26-2009)

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Battle Creek Code of Ordinances

212.05 CODE OF ETHICS FOR CITY COMMISSIONERS.(a) Preamble.

(1) The citizens of Battle Creek are entitled to have fair, ethical and accountable local government that has earned the public's full confidence for integrity.

(2) Furthermore, the effective functioning of democratic government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; public officials be independent, impartial and fair in their judgment and actions; public office be used for the public good, not for personal gain; and public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

(3) To this end, the Battle Creek Commissions adopts this Code of Ethics for Battle Creek City Commissioners to assure public confidence in the integrity of local government and its effective and fair operation.

(b) Code of Ethics.

(1) Acts in the public interest. Recognizing that stewardship of the public interest must be their primary concern, City Commissioners will work for the common good of the people of Battle Creek and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims, and transactions coming before the Battle Creek City Commission.

(2) Compliance with law. City Commissioners shall comply with the laws of the nation, the State of Michigan, and the City of Battle Creek in the performance of their public duties. These laws include, but are not limited to: the United States and Michigan constitutions; the Battle Creek City Charter; laws pertaining to conflicts of interest, contracts with public entities, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

(3) Respect for process. City Commissioners shall perform their duties in accordance with the processes and rules of order established by the City Commission governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Commission by City staff.

(4) Conduct of public meetings.

A. City Commissioners shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall refrain from interrupting other speakers, making comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

B. A City Commissioner and any family member claimed as a dependent of the Commissioner shall refrain from soliciting or accepting any gifts, loans or favors except that a Commissioner and a family member claimed as a dependent of the Commissioner may:

(5) Communication. City Commissioners shall publicly share substantive information that is relevant to a matter under consideration by the City Commission, which they may have received from sources outside of the public decision-making process.

(6) Full disclosure.

A. A City Commissioner in the performance of their public duties shall not act upon any matter in which they have a material financial interest, or where they have a legal or fiduciary duty to another organization or entity or personal relationship that may give the appearance of a conflict of interest, without disclosing the full nature and extent of the interest to the other members of the City Commission on the official record. Such disclosure must be made before the time to perform their duty or concurrently with the performance of the duty.

B. The disclosure required by this subsection shall not supplant, but instead shall supplement, any disclosure of a personal, contractual, financial, business, employment or pecuniary interest required by state statute.

(7) Gifts, favors, and loans.

A. A City Commissioner shall refrain from financial and business dealings that would tend to reflect adversely on the Commissioner's impartiality, interfere with the performance of their public duties or exploit their official position. A City Commissioner should not take any special advantage of services, goods or opportunity for personal gain that is not available to the public in general.

B. A City Commissioner and any family member claimed as a dependent of the Commissioner shall refrain from soliciting or accepting any gifts, loans or favors except that a Commissioner and a family member claimed as a dependent of the Commissioner may:

1. Accept a gift or honorarium, not exceeding a value of one hundred dollars (\$100.00), for services rendered in the performance of their public duties or other activity devoted to the improvement of cities, communities and the lives of citizens.

2. Accept ordinary social hospitality; a gift, bequest, favor or loan from a relative; a wedding or engagement gift; a loan in the regular course of business from a lending institution on the same terms as generally available to the public; and a scholarship, grant or fellowship awarded on the same terms as applied to other applicants.

3. Accept any other gift, favor or loan only if the donor is not a person or entity whose interests have come or are likely to come before the City Commission.

4. Solicit and accept campaign contributions.

(8) Confidential information. City Commissioners shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose nor divulge to an unauthorized person confidential information acquired in the course of their duties in advance of the time prescribed for its authorized release to the public without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

(9) Use of public resources. Public resources, including City staff time, equipment, supplies, and facilities, not available to the public in general shall only be used for the benefit of the public and

not for a City Commissioner's personal or private use.

(10) Representation of private interests. In keeping with their role as stewards of the public interest, a City Commissioner shall not appear on behalf of the private interests of third parties, including their spouses and family members within the third degree of consanguinity to the City Commissioner or their spouse, before the City Commission or any board, committee, commission or proceeding of the City.

(11) Advocacy. City Commissioners shall represent the official policies or positions of the City Commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, City Commissioners shall neither state nor imply that they represent the opinions or positions of the City Commission or the City of Battle Creek.

(12) Policy role of members.

A. City Commissioners shall respect and adhere to the Commission-manager structure of Battle Creek City government as outlined by the Battle Creek City Charter. In this structure, the City Commission determines the policies of the City with the advice, information, and analysis provided by the public, subordinate boards, committees and commissions, and City staff.

B. City Commissioners therefore shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement City Commission policy decisions.

(13) Independence of boards and commissions. Because of the value of the independent advice of subordinate boards, committees, and commissions to the public decision-making process, members of the City Commission shall, except when the Commissioner is a member of the public body, limit their participation in the proceedings of such subordinate public bodies to the communication of requested information and providing factual information relevant to the discussion at hand and shall not otherwise attempt to unduly influence the deliberations or outcomes of the proceedings.

(14) Positive workplace environment.

A. City Commissioners shall support the maintenance of a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. City Commissioners shall recognize their special role in dealings with City employees so as to in no way create the perception of inappropriate direction to staff nor, except for the purpose of inquiry, give specific orders to subordinates of the City Manager or City Attorney.

B. Because City Commissioner actions and comments contribute to the environment in which all City employees must work, in order to create and promote a positive work environment under no circumstances shall a City Commissioner, either in public or private, intimidate, humiliate, or otherwise abuse a City employee.

(15) Compliance and enforcement.

A. This Code of Ethics for Battle Creek City Commissioners expresses standards of ethical conduct expected for members of the Battle Creek City Commission. City Commissioners themselves have the primary responsibility to assure that they understand and meet the ethical standards expressed in this code of ethics and that the public can continue to have full confidence in the integrity of

government.

B. All City Commissioners shall have a responsibility to intervene when they learn of actions of another City Commissioner that appear to be in violation of the Code of Ethics. Upon acquiring reasonable suspicion of a violation of the Code of Ethics, the Mayor shall set, or any three Commissioners may require the setting of, a public hearing at a regular or special meeting of the City Commission to determine whether a violation of the Code of Ethics occurred and, if so, what sanctions shall be imposed for the violation.

C. The City Commission may impose sanctions on City Commissioners whose conduct does not comply with the City's ethical standards. Sanctions may include reprimand, formal censure, loss of committee assignment, restrictions on budget or travel, and removal from office by the governor in the manner and for the causes provided by law.

D. A violation of this code of ethics shall not be considered a basis for challenging the validity of a City Commission decision.

(16) Implementation.

A. As an expression of the standards of conduct for City Commissioners expected by the public, this Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when City Commissioners are thoroughly familiar with it and embrace its provisions.

B. For this reason, ethical standards shall be included in the regular orientations for newly elected or appointed City Commissioners. At the first regular meeting of City Commission in December of each year, City Commissioners entering office shall sign a statement affirming that they have read and understand the Code of Ethics for Battle Creek City Commissioners.

C. In addition, the City Commission shall annually review the Code of Ethics for Battle Creek City Commissioners.

(c) Commissioner Statement of Acknowledgment.

Model of Excellence

Battle Creek City Commission

Commissioner Statement

As a member of the Battle Creek City Commission, I agree to uphold the Code of Ethics adopted by the City Commission and conduct myself by the following model of excellence. I will:

-Recognize the worth of individual members and appreciate their individual talents, perspectives, and contributions;

-Help create an atmosphere of respect and civility where individual members, City staff, and the public are free to express their ideas and work to their full potential;

-Respect the dignity and privacy of individuals and organizations;

-Respect and maintain the nature of confidential and privileged information and opinions acquired as a result of my position;

-Conduct my public affairs with honesty, integrity, fairness and respect for others;

-Avoid and discourage conduct that is divisive or harmful to the best interests of Battle Creek; and

-Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit.

I affirm that I have read and fully understand the Code of Ethics for Battle Creek City Commissioners.

Signature/Date

Name/Office

(Ord. 07-04. Passed 4-20-04; Ord. 12-05. Passed 7-19-05.)

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Hamtramck, MI Code of Ordinances

CHAPTER 39: ETHICS

Section

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- 39.002 Intent and purpose
- 39.003 Definitions
- 39.004 Fair and equal treatment
- 39.005 Prohibited conduct
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§ 39.001 TITLE.

This chapter shall be known as the Ethics Chapter of the city.

(Ord. 2008-11, passed 8-26-2008)

§ 39.002 INTENT AND PURPOSE.

(A) It is the policy of the city to uphold, promote and demand the highest standards of ethics from all its employees and officials, whether elected, appointed or hired. City officers and employees (public servants) shall maintain the highest standards of personal integrity, truthfulness, honesty and fairness in

carrying out their public duties; avoid any improprieties in their roles as public servants including the appearance of impropriety; and never use their city position or powers for improper personal gain.

(B) It is further the intent of this chapter that a public servant, regardless of whether specifically prohibited by this chapter, shall avoid any action, which might result in or create the appearance of:

- (1) Using public office or employment for private gain personal or monetary;
- (2) Giving improper preferential treatment to any person or organization;
- (3) Impeding government efficiency or economy;
- (4) A lack of independence or impartiality of action;
- (5) Making a government decision outside of official channels; or
- (6) Affecting adversely the confidence of the public in the integrity of the city.

(C) It is not the intent of this chapter to in any way limit the right or ability of any public servant to exercise his or her discretion in making legitimate policy decisions which are within their discretion so long as the action does not provide a special benefit to that person, relieve the public servant of a particular duty, or treat that person differently than other similarly situated city residents.

(Ord. 2008-11, passed 8-26-2008)

§ 39.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS. A business entity includes any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust or any legal entity organized for profit.

CITY. The City of Hamtramck, a Michigan municipal corporation.

COMPENSATION. Payment in any form for real or personal property or services of any kind.

ELECTED OFFICER. Any person who is elected at a general or special election to any public office of the city and any person appointed to fill a vacancy in any office.

INTEREST. Any right, title or share in something, either personal, financial, legal or equitable, which is owned, held or controlled, in whole or in part, directly or indirectly, by a public servant.

PUBLIC SERVANT. Every individual appointed, hired or otherwise selected to an office, position, committee, board, task force or similar multi-member body with the city, or any subdivision thereof, whether the individual is paid or unpaid and any person elected or appointed to any public body of the city. **PUBLIC SERVANT** includes elected officer.

PUBLIC BODY. The City Council, and any board, authority, commission, committee, department, office or other agency of the city, and including the city.

QUESTION THE EMPLOYMENT STATUS. Imply, infer, suggest or otherwise state that an employee should be dismissed from employment with the city.

(Ord. 2008-11, passed 8-26-2008)

§ 39.004 FAIR AND EQUAL TREATMENT.

No public servant shall request, use or permit the use of any consideration, treatment, advantage or favor beyond that which is the general practice to grant or make available to the public at large. All public servants shall treat all citizens of the city with courtesy, impartiality, fairness and equality under the law. In addition, no elected official may question the employment status of any employee under the control of the City Manager unless that employee's contract or appointment is before the City Council and a resolution approving the action has been moved and seconded.

(Ord. 2008-11, passed 8-26-2008) Penalty, see § 39.999

§ 39.005 PROHIBITED CONDUCT.

The following shall constitute violations of this chapter.

(A) *General prohibition against conflict of interest.* In order to avoid impropriety, or an appearance of conflict of interest, no current public servant should be involved in any activity that might be seen as conflicting with the conduct of official city business or as adverse to the interests of the city. Even the appearance of the following prohibited conduct alone may be sufficient to constitute a violation of this ethics chapter.

(B) *Disclosure of confidential information and/or benefitting from confidential information.* No public servant shall disclose or use any confidential, privileged or proprietary information gained by reason of his or her position for a purpose which is for other than a city purpose; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request. For purposes of this division, the term **CONFIDENTIAL INFORMATION** shall mean any information, oral or written, which comes to the attention of, or is available to, the public servants only because of his or her position with the city, and is not a matter of public record.

(C) *Improper use of city personnel and property.* No public servant shall employ or use any person under his or her official control or direction for the personal benefit, gain or profit of the public servant or other. No public servant shall use city-owned vehicles, equipment, materials, money or property for personal or private convenience or personal gain. Nothing herein shall prohibit the use of city equipment or motor vehicles by public servants in accordance with written policies established by the City Council, City Manager or city department head concerned, nor shall this chapter be deemed to prohibit private use of surplus city property legally disposed of by the city or its departments in compliance with established procedures.

(D) *Beneficial interest in business transaction or participation in a contract.* No public servant

shall participate or benefit from (monetarily or personally) in his or her capacity as a public servant in the making of a contract in which he or she has a financial interest, direct or indirect, or perform in regard to a contract some function which requires the exercise of discretion on behalf of the city. No public servant shall participate in contracts, loans, grants, rate-fixing or issuing permits involving a business in which he or she has a substantial interest; however this provision shall not apply in the following circumstances:

(1) Contracting with the city where:

(a) The contract is awarded pursuant to sealed bids;

(b) The public servant is not involved directly or indirectly or otherwise refrains from participation in the decision on the award of the contract; and

(c) The City Council, after reviewing the circumstances, determines the award of the contract would be in the best interest of the city.

(2) Where the interest of the public servant in the business involves the holding of less than 1% of the securities in a publicly traded business or less than 5% of privately or closely held business and where the public servant will not have any involvement in the transaction on behalf of the contracting business.

(E) *Engaging in certain private employment.* No city employee or public servant shall engage in or accept private employment or render services for, any private interest when the employment or service is incompatible with the proper discharge of official duties or would tend to impair independence or judgment or action in the performance of official duties.

(F) *Acceptance or solicitation of compensation, gifts, favors, rewards or gratuity.* No public servant may, directly or indirectly, give or receive, or agree to give or receive, any compensation, gift, favor, reward, or gratuity for a matter connected with or related to the public servant's services with the city which would tend to influence the manner in which the public servant performs his or her official duties, except this prohibition shall not apply to:

(1) Attendance of a public servant at a hosted meal when provided in conjunction with a meeting directly related to the conduct of city business or where official attendance by the city official as a city representative is required or in the best interest of the city;

(2) An award publicly presented in recognition of public service presented to the public servant; and

(3) Any gift valued at \$100 or less, which cannot reasonably be presumed to influence the judgment of the public servant.

(G) *Improper use of position.* No public servant shall knowingly use his or her office or position to secure personal benefit, gain or profit, or use his or her position to secure special privileges or exceptions for himself, herself, or for the benefit, gain or profits of any other persons. No public servant shall represent his or her individual opinions as those of the city.

(Ord. 2008-11, passed 8-26-2008) Penalty, see § 39.999

§ 39.006 MATTER REGARDING DISCLOSURE OF CONFLICTS OF INTEREST, ACTUAL AND POTENTIAL.

The following disclosure requirements are established to avoid both actual and potential conflict between the private self-interests and the public interest of public servants.

(A) *Self interest.* No public servant, either on his or her behalf or on behalf of any other person, shall have an interest in any business transaction with any public body of the city, unless the person shall first make full public disclosure of the nature of the interest.

(B) *Disclosure and disqualification.* Whenever the performance of official duties shall require a public servant to deliberate and vote on any matter involving his or her financial or personal interest, that person shall publicly disclose the nature and extent of the interest and is disqualified from participating in the deliberations and voting on the matter.

(C) *Dual employment.* No public servant shall engage in employment with, or render services for, any person or entity, which has business transactions with any public body of the city, without first making full public disclosure of the nature and extent of the employment or services.

(D) *Dual representation.* A public servant shall make full public disclosure of business involving the city when attempting to use his or her official position to secure special privileges or exemptions for self or others.

(Ord. 2008-11, passed 8-26-2008) Penalty, see § 39.999

§ 39.007 PUBLIC DISCLOSURE, CONTENTS.

Whenever a public disclosure is required by this chapter, it may be made orally on the record at a meeting of the public body involved, or in a writing filed with the Clerk, in both of which cases it shall be made a part of the record of a regular City Council meeting, and in either event shall include:

(A) The identity of all persons involved in the interest; and

(B) The source and amount of income derived from the interest that may be considered as resulting from employment, investment or gift. The person required to file a disclosure statement in accordance with the provisions of this chapter must verify, in writing, under penalty of perjury, the information in the statement is true and complete as far as he or she knows.

(Ord. 2008-11, passed 8-26-2008) Penalty, see § 39.999

§ 39.008 DISCLOSURE OF CAMPAIGN CONTRIBUTIONS.

(A) Within 15 days after each municipal election, every elected officer, and candidate for elected office, shall file a completed disclosure form with the City Clerk. All elected officers of the city shall file, annually within ten days of the filing deadline established by the state, a report with the City Clerk listing all contributions, other receipts or in-kind contributions received in any calendar year by the

officer's candidate committee. If the candidate or elected officers or candidate for office has not received any contributions, other receipts or in-kind contribution for the period covered under any period in which a report is required by this chapter, the candidate or elected officer shall file a sworn, notarized statement within ten days of the filing deadline established by the state, in a form determined by the Clerk, reflecting this fact. The Clerk shall make all candidates for elected office in the city aware of this provision at the time they file for candidacy. All elected officers of the city shall be made aware of this provision within five days of assuming their respective office. The form for reporting contributions shall consist of the forms developed by the State Secretary of State for reporting campaign contributions or their successors. At the time of adoption of this chapter, those forms are:

- (1) Candidate Itemized Contributions Schedule 1A;
- (2) Candidate Other Receipts Schedule 1A-1; and
- (3) Candidate In-Kind Contributions Schedule 1-IK.

(B) Failure to comply with this section of the chapter may result in a penalty established by City Council resolution.

(Ord. 2008-11, passed 8-26-2008; Am. Ord. 2009-1, passed 3-24-2009) Penalty, see § 39.999

§ 39.009 DUTIES OF CLERK.

The Clerk shall examine all disclosure statements filed pursuant to this chapter and report irregularities immediately to the person filing the statement to the City Manager and the City Attorney. Acceptance of a statement by the Clerk shall not constitute approval of the statement. The Clerk shall maintain a current list of all disclosure statements required to be available for public disclosure. The Clerk shall preserve all disclosure statements for a period of at least three years after the date on which they are filed. The Clerk shall make available to the public all statements that are required to be available for inspection during regular business hours. The Clerk shall also accept all complaint alleging violations of this chapter.

(Ord. 2008-11, passed 8-26-2008)

§ 39.010 REQUEST FOR OPINION FROM THE CITY ATTORNEY.

(A) Any elected official may request the City Attorney provide an advisory opinion interpreting the effect or application of this chapter generally, or on questions directly relating to the propriety of their conduct in a particular situation.

(B) Any other public servant may request, with the approval of the City Manager, that the City Attorney provide an advisory opinion interpreting the effect or application of this chapter generally, or on questions directly relating to the propriety of their conduct in a particular situation.

(Ord. 2008-11, passed 8-26-2008)

§ 39.011 DELIVERY OF COPIES OF ETHICS CODE TO PUBLIC SERVANTS.

The Clerk shall deliver a copy of this chapter to each public servant as soon as practicable after the enactment of this chapter, and to each new public servant at the time of employment or taking office. The Clerk shall also request that each person sign and return an acknowledgment of receipt of a copy of this chapter.

(Ord. 2008-11, passed 8-26-2008)

§ 39.012 COMPLAINT PROCEDURE.

(A) Any citizen of the city may submit a complaint in writing and under oath, alleging that one or more public servants have violated or may have violated any provision of this chapter within one month of the alleged violation.

(B) The complaint must be signed by the complainant and notarized, and must contain the following:

(1) The complainant's legal name and current mailing address;

(2) The name or names of any public servants who committed or may have committed the alleged violation;

(3) A summary of the facts giving rise to the complaint;

(4) Some explanation of why those facts constitute or may constitute a violation of the ethics chapter; and

(5) Any one filing a false complaint will be subject to the penalty(s) for perjury.

(C) The complaints must be filed with the City Clerk. Upon receipt, the Clerk shall promptly provide a copy of the complaint to the public servant named therein and to the City Attorney.

(D) The City Attorney will evaluate the complaint, applying the law of the standards of conduct to the facts alleged in the complaint.

(E) Within 14 days from receipt of the complaint, the City Attorney shall:

(1) Issue a report including a copy of the complaint, concluding whether facts alleged in the complaint, if true, would rise to a violation of this chapter, and require the public servant named in the complaint issue a formal statement, in writing and addressed to the City Attorney, outlining his or her position.

(2) The City Attorney shall determine whether the public servant named in the complaint did commit a violation of the ethics chapter and file a formal complaint with the Thirty-First District Court; or

(3) Dismiss the complaint.

(F) The City Attorney shall promptly provide a formal complaint or a dismissal of the complaint to the appropriate city department.

(G) If a complaint is filed against the City Attorney and any of his or her designees, the City Council shall designate a neutral body to investigate the complaint and if necessary prosecute the violation.

(Ord. 2008-11, passed 8-26-2008) Penalty, see § 39.999

§ 39.013 WHERE TO SEEK REVIEW.

(A) *Civil penalty.* If ordered to pay a civil penalty, an appeal may be taken in the form of a trial de novo in the District Court, which shall hear the case in accordance with the Civil Rules for Courts of Limited Jurisdiction (CRLJ) and applicable local rules of the District Court. This appeal may be taken by filing in the District Court, a notice of appeal within 14 days of the date of the final written order. The person filing the appeal shall also, within 14 days, serve a copy of the notice of appeal on the person who issued the final written order and/or the City Attorney, or his or her designee, and file acknowledgment or affidavit of service in the District Court.

(B) *Discipline or removal.* If a public servant is disciplined or removed from office, then the person disciplined or removed from office may seek whatever remedies exist at law or equity.

(C) *Termination of contracts.* If termination of contract(s) is ordered, the person whose contract(s) was/were terminated may seek whatever remedies exist at law or in equity.

(Ord. 2008-11, passed 8-26-2008)

§ 39.999 PENALTY.

(A) Upon a finding of a violation of any provision of this chapter, the City Attorney is empowered to take any one or more of the following actions:

(1) Discipline up to and including termination or removal from any position whether paid or unpaid, excluding elected positions, only after notice and hearing as provided by law; and/or

(2) Termination or invalidation of contract(s) entered into in violation of this chapter.

(B) Upon a finding of a violation of the applicable provisions of this chapter, the District Court is empowered to assess the following penalties:

(1) Any public servant who violated a provision of this chapter may be subject to fine of up to \$500 for each violation;

(2) Any public servant who fails to make any disclosure required by § 39.008 may be fined \$10 per day, up to a maximum of \$500, from the first day the disclosure is due until the disclosure is filed; and

(3) Any public servant who is found to have violated a provision(s) of this chapter shall be deemed guilty of misconduct.

(C) The various penalties provided under this division are cumulative to other remedies provided

under state law or under the Charter and ordinances of the city.

(Ord. 2008-11, passed 8-26-2008)

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**INFORMATION
ONLY**

July 18, 2018

Michigan Municipal League Annual Meeting Notice

(Please present at the next Council, Commission or Board Meeting)

Dear Official:

The Michigan Municipal League Annual Convention will be held in Grand Rapids, September 20-22, 2018. The League's "Annual Meeting" is scheduled for 3:45 pm on Friday, September 21 in Ambassador Ballroom West at the Amway Grand Plaza Hotel. The meeting will be held for the following purposes:

1. Election of Trustees. To elect six members of the Board of Trustees for terms of three years each (see #1 on page 2).
2. Policy. A) **To vote on the Core Legislative Principles document.**

In regard to the proposed League Core Legislative Principles, the document is available on the League website at <http://www.mml.org/delegate>. If you would like to receive a copy of the proposed principles by fax, please call Monica Drukis at the League at 800-653-2483.

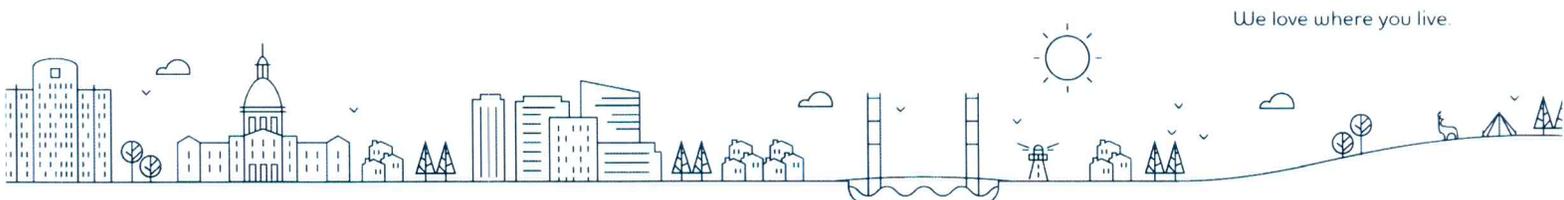
B) If the League Board of Trustees has presented any resolutions to the membership, they also will be voted on. (See #2 on page 2.)

In regard to resolutions, member municipalities planning on submitting resolutions for consideration by the League Trustees are reminded that under the Bylaws, they must be submitted to the Trustees for their review by August 21, 2018.

3. Other Business. To transact such other business as may properly come before the meeting.

Designation of Voting Delegates

Pursuant to the provisions of the League Bylaws, you are requested to designate by action of your governing body one of your officials who will be in attendance at the Convention as your official representative to cast the vote of the municipality at the Annual Meeting, and, if possible, to designate one other official to serve as alternate. Please submit this information through the League website by visiting <http://www.mml.org/delegate> no later than August 21, 2018.



Regarding the designation of an official representative of the member to the annual meeting, please note the following section of the League Bylaws:

“Section 4.4 - Votes of Members. Each member shall be equally privileged with all other members in its voice and vote in the election of officers and upon any proposition presented for discussion or decision at any meeting of the members. Honorary members shall be entitled to participate in the discussion of any question, but such members shall not be entitled to vote. The vote of each member shall be cast by its official representative attending the meeting at which an election of officers or a decision on any proposition shall take place. Each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member as its principal official representative to cast the vote of the member at such meeting, and may appoint one official as its alternate official representative to serve in the absence or inability to act of the principal representative.”

1. Election of Trustees

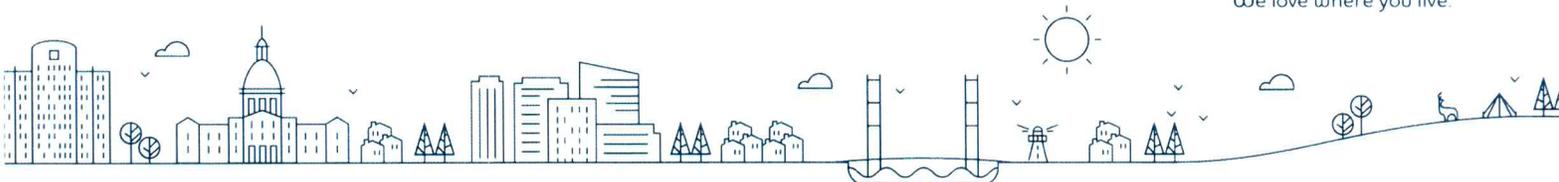
Regarding election of Trustees, under Section 5.3 of the League Bylaws, six members of the Board of Trustees will be elected at the annual meeting for a term of three years. The regulations of the Board of Trustees require the Nominations Committee to complete its recommendations and post the names of the nominees for the Board of Trustees on a board at the registration desk at least four hours before the hour of the business meeting.

2. Statements of Policy and Resolutions

Regarding consideration of resolutions and statements of policy, under Section 4.5 of the League Bylaws, the Board of Trustees acts as the Resolutions Committee, and “no resolution or motion, except procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is either (1) submitted to the meeting by the Board of Trustees, or (2) submitted in writing to the Board of Trustees by resolution of the governing body of a member at least thirty (30) days preceding the date of the annual meeting.” Thus the deadline this year for the League to receive resolutions is **August 21, 2018**. Please submit resolutions to the attention of Daniel P. Gilmartin, Executive Director/CEO at 1675 Green Rd., Ann Arbor, MI 48105. Any resolution submitted by a member municipality will go to the League Board of Trustees, serving as the resolutions committee under the Bylaws, which may present it to the membership at the Annual Meeting or refer it to the appropriate policy committee for additional action.

Further, “Every proposed resolution submitted by a member shall be stated in clear and concise language and shall be accompanied by a statement setting forth the reasons for recommending the proposed resolution. The Board shall consider the proposal at a Board meeting prior to the next annual meeting and, after consideration, shall make a recommendation as to the advisability of adopting each such resolution or modification thereof.”

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3. Posting of Proposed Resolutions and Core Legislative Principles

The proposed Michigan Municipal League Core Legislative Principles and any new proposed Resolutions recommended by the Board of Trustees for adoption by the membership will be available on the League website, or at the League registration desk to permit governing bodies of member communities to have an opportunity to review such proposals and delegate to their voting representative the responsibility for expressing the official point of view of the member at the Annual Meeting.

The Board of Trustees will meet on Thursday, September 20 at Amway Grand Plaza Hotel for the purpose of considering such other matters as may be requested by the membership, in addition to other agenda items.

Sincerely,



Catherin Bostick-Tullius

President

Commissioner, City of Lapeer



Daniel P. Gilmartin

Executive Director & CEO

