



# **CITY OF LAPEER RULES AND PROCEDURES OF THE CITY COMMISSION**

Revised 04/19/2021

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**CITY OF LAPEER  
RULES AND PROCEDURES  
OF THE CITY COMMISSION**

**A. MEETINGS**

1. Place of Meetings:

All meetings of the City Commission shall be held in the Commission Chambers of the Lapeer City Hall unless otherwise provided in the public notice of such meeting.

2. Regular Meetings:

Regular meetings of the City Commission will be held on the first and third Monday of each month beginning at 6:30 p.m., local prevailing time, at City Hall. Regular meetings may be rescheduled to other times by a vote of the Commission.

(REF: Charter: Chapter 6, Section 6.1;-)

3. Special Meetings:

A special meeting may be called by the Mayor, Clerk, or by three Commissioners. Meeting Notice (Posting) Requirements (Section A., Item 7b.) will apply.

(REF: Charter: Chapter 6, Section 6.1;-)

4. Business At Special Meetings:

No business shall be transacted at any special meeting of the Commission unless the same has been stated in the notice of such meeting. Any business which may come before a regular meeting may be transacted at a special meeting if all the members of the Commission in office at that time are present.

(REF: Charter: Chapter 6, Section 6.3;-)

5. Workshop and/or Study Session Meetings:

A workshop or study session of the City Commission will be held as necessary and as scheduled by the Commission. No business shall be transacted, only generalized discussion relating to the topic for which the meeting was called. The City Manager and/or City Clerk will prepare an agenda for these meetings. Meeting Notice (Posting) Requirements (Section A., Item 7b) will apply.

6. Public Hearings:

The City Commission, by a majority vote, will set public hearings to be heard in front of the City Commission at least one meeting prior to such public hearing or as outlined by Charter, Ordinance, or statute. No public hearings will be held in front of the City Commission without City Commission approval.

7. Meeting Notice (Posting) Requirements:

All meetings will be posted in accordance with the Open Meetings Act, PA 267 of 1976, as amended.

- a. For regular meetings of the Commission, the Clerk shall post at the City Hall, within ten (10) days after the first meeting of the Commission in each calendar year, a public notice stating the dates, times, and places of its regular meetings for the year. If a change in the regular meeting schedule occurs, a public notice will be made within three (3) days after the meeting at which the change is made.

(REF: PA 267 of 1976: Open Meetings Act, Section 5;-)

- b. For a rescheduled regular, special, or a workshop and/or study session meeting of the Commission, a public notice stating the date, time and place of the meeting shall be posted at least eighteen (18) hours before the meeting.

(REF: PA 267 of 1976: Open Meetings Act, Section 5;-)

- c. A regular, special, or a workshop and/or study session meeting of the Commission, which is recessed for more than thirty-six (36) hours, can only be reconvened if a notice is posted eighteen (18) hours in advance.

(REF: PA 267 of 1976: Open Meetings Act, Section 5;-)

8. Emergency Meeting:

The Commission may meet in an emergency session without complying with the Meeting Notice (Posting) Requirements (Section A., Item 7.), in the event that it is necessary to hold a meeting to deal with a severe and imminent threat to the health, safety, or welfare of the public when two-thirds of the members of the Commission decide that delay would be detrimental to the City's efforts in responding to the threat.

(REF: PA 267 of 1976: Open Meetings Act, Section 5;-)

9. Mailing of Meeting Agendas:

Upon written request of an individual, organization, firm, or corporation, and upon payment of an annual fee of not more than the reasonable estimated cost for printing and posting of such notices, the Clerk shall send to the requesting party, by first class mail, a copy of regular meeting agendas.

(REF: PA 267 of 1976: Open Meetings Act, Section 6;-)

10. Minutes of Regular, Special, Workshop and/or Study Session Meetings:

- a. A journal of the proceedings of each meeting will be kept in the English language by the Clerk and shall be signed by the presiding officer and City Clerk upon approval by the Commission.

(REF: Charter: Chapter 4, Section 4.11; Chapter 6, Section 6.7(a);-)

- b. Proceedings of the Commission, or a brief synopsis thereof, will be published in a newspaper of general circulation within the City within seven (7) days following the date of approval.  
(REF: Charter: Chapter 6, Section 6.7(c);-)
- c. Proposed minutes of meetings will be available for public inspection not more than eight (8) business days after such meeting.  
(REF: PA 267 of 1976: Open Meetings Act, Section 9;-)
- d. Approved minutes will be available for public inspection not later than five (5) business days after the meeting at which the minutes were approved.  
(REF: PA 267 of 1976: Open Meetings Act, Section 9;-)
- e. Minutes shall include action items of the Commission with respect to motions and show the “yes”, “no”, and “abstention” of each member.
- f. The Clerk shall not be responsible for a written record or summary of discussion or comments of the Commission. Upon direction of the presiding officer, the Clerk may provide a summary of individual comments.
- g. Minutes of public time will include individual’s name, address (if applicable), and a brief synopsis of the individual’s comments and concerns.

**B. MEETING PROCEDURE**

1. Meetings to be Public:

All meetings of the City Commission shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Commission may prescribe.

(REF: Charter: Chapter 6, Section 6.4; PA 267 of 1976: Open Meetings Act, Section 3;-)

2. Order of Business:

An agenda for each Regular Commission meeting shall be prepared by the City Manager, City Clerk, or designee, in accordance with the following order of business:

- Call To Order
- Roll Call
- Pledge of Allegiance
- Approval of Agenda
  - A. Minutes
  - B. Public Comments
  - C. Consent Agenda

- D. Bill Listing
  - E. Proclamations, Recognitions, and Resolutions
  - F. Public Hearings
  - G. Administrative Reports
  - H. City Manager's Report
  - I. City Attorney's Report
  - J. Unfinished Business
  - K. Departmental Communications
  - L. Public Comments
  - M. Mayor/Commissioner Comments
  - N. Reminder of Meetings
  - O. Reminder of Public Hearings
- ADJOURNMENT

(Amended 06-01-2020)  
 (Amended 04-19-2021)

3. Quorum:

Three (3) members of the Commission in office at the time shall be a quorum for the transaction of business. In absence of a quorum, a lesser number may adjourn any meeting to a later time or date for not longer than one week. Any meeting which is recessed for more than thirty-six (36) hours will comply with Meeting Notice (Posting) Requirements (Section A., Item 7c.)

(REF: Charter: Chapter 6, Section 6.5; PA 267 of 1976: Open Meetings Act, Section 5;-)

4. Presiding Officer:

The Mayor shall be the presiding officer of the Commission. The presiding officer shall be responsible for enforcing the Rules and Procedures of the City Commission, contained herein, as well as the Code of Conduct. In the absence of or disability of the Mayor, the Mayor Pro-Tem shall be the presiding officer of the Commission. In the absence or disability of both, the Commission may designate another of its members to serve as Acting Mayor during such absence or disability. The Commission member serving as Mayor Pro-Tem or Acting Mayor does not lose their vote.

(REF: Charter: Chapter 4, Section 4.4, Section 4.5(b);-)

**C. CLOSED MEETINGS**

1. Purpose:

The City Commission may only meet in closed session for the purposes defined in the Michigan Open Meetings Act, PA 267 of 1976, as amended, summarized as follows:

- a. 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.

- b. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.
- c. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
- d. To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the Commission.
- e. 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. All interviews by a public body for employment or appointment to a public office shall be held in an open meeting pursuant to this act.
- f. To consider material exempt from discussion or disclosure by state or federal statute.

Closed session may also be referred to as an Executive Session.

2. Calling Closed Sessions:

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

(REF: PA 267 of 1976: Open Meetings Act, Section 7;-)

3. Minutes of Closed Meetings:

A separate set of minutes shall be taken by the Clerk or the designated Secretary of the City at the closed session. These minutes shall be retained by the Clerk of the City, are not available to the public, and shall only be disclosed if required by a civil action filed under section 10, 11, or 13 of the Open Meetings Act. These minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved.

(REF: PA 267 of 1976: Open Meetings Act, Section 7;-)

4. Confidentiality of Closed Meeting Information:

A City Commission member shall not divulge to any unauthorized person confidential information discussed in a closed session in advance of the time prescribed for its authorized release to the public by the City Commission. Commission members shall honor the confidentiality of the



debate, discussion, and preliminary action taken in closed session, and be aware of the potential financial liability and/or harm to the reputation of the City by premature disclosure. A violation of confidentiality shall be construed as misconduct in office.

## **D. VOTING AND DISCUSSION**

### 1. Roll Call:

In a roll call vote, the names of the Commission shall be called and entered upon the record. The names of the Commission may be called alphabetically or in random order.

### 2. Tie Vote:

The Mayor shall have a voice in all proceedings of the Commission but shall have no vote except in case of a tie. In case of a tie, the Mayor shall cast the deciding vote.

(REF: Charter: Chapter 4, Section 4.5;-)

### 3. Results of Voting:

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

### 4. Duty to Vote:

Whenever a question is put before the presiding officer, every member shall vote, provided however, that no member shall be required to if:

a) That member shall have a conflict of interest and shall state his/her conflict of interest; or

(REF: Charter: Chapter 6, Section 6.7b.-)

b) That member shall state that he/she has inadequate information upon which to base a reasonably informed vote and shall state the particulars of the information desired before a reasonable informed vote can be cast. Absence from a prior meeting shall not constitute the basis of the lack of information.

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

### EXCEPTION:

A Commission member should not vote on the question of approving minutes to be corrected or amended of a meeting at which a member was absent for the reason that such member is unable to determine the accuracy of such minutes.

5. Rules of Parliamentary Procedure:

The rules of parliamentary practice as contained in Robert's Rules of Order, most recent edition, shall govern the Commission in all cases to which they are applicable, provided they are not in conflict with these Rules or with the Ordinances and Charter of the City of Lapeer.

6. Conduct of Discussion:

During Commission discussion and debate, the conduct of discussion will be, but not limited to, the following:

- Discussion and debate on agenda items will be limited to thirty (30) minutes each and five (5) minutes each for non-agenda items.
- Matter requiring a more in-depth, longer presentation and discussion will be scheduled for a workshop and/or study session.
- The maker of the motion shall speak first.
- The supporter of the motion shall speak second.
- No member shall speak until recognized for such purpose by the presiding officer. After such recognition, the member shall confine discussion to the question at hand.
- Personal comments about other individuals should be avoided.
- When addressing other members of the Commission, they should be addressed by title and/or last name but not by first name.
- No member should request to speak a second time on a motion as long as another is requesting recognition to speak for a first time.

7. General Consensus:

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

**E. CITIZEN PARTICIPATION**

1. General:

Each Commission meeting agenda shall provide for reserve time for audience participation, as requested, known as Public Comments.  
(REF: Charter: Chapter 6, Section 6.4; PA 267 of 1976: Open Meetings Act, Section 3(5);-)

2. Length of Presentation:

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

3. Persons Addressing the Commission:

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

4. Requests to Speak during Public Hearings:

- a. For the purpose of public participation during public hearings, every speaker, after being recognized by the presiding officer, is to approach the public podium and give his/her name prior to speaking on the public hearing issue. Each speaker will be allowed three (3) minutes maximum to address the Commission. A speaker representing a subdivision association or group will be allowed ten (10) minutes to address the Commission.
- b. City officials and employees should not speak in explanation or rebuttal, but save comments until the public portion of the hearing is over, unless authorized by the presiding officer.
- c. City officials and employees shall speak after the public participation is over in explanation or rebuttal of matters discussed at the hearing when recognized by the presiding officer. The public should not be heard from at this time.

5. Requests to Speak during Public Comments:

Any person who wishes to speak on a subject may speak at this time.

6. Requests by Citizen(s) to be placed on Agenda:

Any person(s) who wishes to be placed on the agenda to address the City Commission shall submit written request with all necessary supporting data as outlined under section F. AGENDA, Item 3. Such request shall be allowed fifteen (15) minutes to address the Commission.

7. Disorderly Conduct at Meetings:

Person(s) addressing the Commission shall make responsible comments and shall refrain from making personal, slanderous, or profane remarks. The presiding officer may call to order any person who is being disorderly by speaking when not recognized by the presiding officer or otherwise disrupting the proceeding by failing to be germane, by speaking longer than the allotted time, or by speaking vulgarities. Such persons shall thereupon be seated until the presiding officer shall have determined whether the person is in order. If a person so engaged in presentation shall be out of order, he or she will not be permitted to speak at the same meeting, except upon special leave by the Commission. If the person shall continue to be disorderly and disrupt the meeting, the presiding

officer may order the Police Chief or Police Department to remove the person from the meeting.

(REF: Charter: Chapter 4, Section 4.5 and Chapter 6, Section 6.6; PA 267 of 1976: Open Meetings Act, Section 3(6);-)

## **F. AGENDA**

### 1. Preparation:

The City Manager, City Clerk, and/or designee shall prepare an agenda for each regular, special, workshop and/or study session meeting of the Commission. The deadline for submitting items for a regular Commission agenda is 12:00 noon on the Wednesday preceding the Commission meeting. Agenda items from the Commission should be in writing by the same time. Requested items will appear on a meeting agenda within three meetings after a request is made.

### 2. Distribution:

Agendas, ordinances, and all related background material will be delivered to Commission members at their residence at least 36 hours before the scheduled regular meeting, or at least eighteen (18) hours before a scheduled special, workshop and/or special meeting.

### 3. Agenda Material:

Department Heads and all others shall submit written requests for inclusion on the agenda to the City Manager, City Clerk, and/or designee with all necessary supporting data. Written presentations shall be submitted by 12:00 noon on the Wednesday preceding the Commission meeting for circulation with agendas. Agenda requests could be delayed if related information is not received in a timely manner.

## **G. CONSENT AGENDA:**

### 1. Purpose:

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

### 2. Consent Agenda Items:

A consent agenda will be developed by the City Manager, City Clerk, and/or designee. Any member of the Commission may request that an item be removed from the consent agenda and placed on the regular agenda for discussion.

## **H. RECORDING OF COMMISSION MEETINGS:**

### 1. Meetings may be recorded:

- a) The City may record any meeting of the City Commission through the use of a tape recorder, video, or other electronic device. Such

recordings will be under the control and supervision of the City Clerk.

- b) A member of the public may record any meeting of the City Commission through the use of a tape recorder, video, or other electronic device.

2. Retention of Records:

If a meeting or meetings are recorded pursuant to paragraph 1 a) above, those recordings may be retained by the City Clerk according to the Retention Schedule of the City of Lapeer or may be retained by the City Clerk for a period of one (1) year from the date of the meeting recorded.

(Amended 04-01-2019)

**I. COMMISSION VACANCY**

- 1. Any vacancy in the office of Commission or Mayor may be filled within thirty days by a majority vote of the remaining members of the Commission for any balance of the unexpired original term. If any vacancy is not filled within thirty days, or if three or more vacancies exist simultaneously in the office of Commissioner, such vacancies shall be filled for the respective unexpired terms at a special election unless such vacancies occur and be unfilled less than ninety days prior to a regular election.  
(REF: Charter: Chapter 5, Section 5.5;-)
- 2. To fill a vacancy within thirty days, the Commission will accept letters of interest from interested citizens. All letters of interest will be filed with the City Clerk. Letters of Interest will be accepted until an appointment to the vacancy has occurred. Vacancies to be filled by election will follow Charter requirements.
- 3. The City Clerk will certify to the Commission qualifications of the candidate(s):
  - a) That the candidate has been a resident of the City for at least one year prior.
  - b) That the candidate is a qualified and registered elector of the City for at least thirty days.
  - c) That the candidate is not a defaulter to the City.
  - d) That the candidate is a taxpayer, or exempt from taxes by operation of the law, to the City for at least six months.
  - e) All other qualifications as required by Charter.  
(REF: Charter: Chapter 5, Section 5.1 lists qualifications;-)
- 4. The City Clerk shall transmit all letters of interest and certification of the candidate(s) to the Commission. The Commission may set a date and

time for a regular or special meeting to invite candidate(s) to address the Commission and submit to questions by the Commission.

5. The Commission may hold a regular or special meeting at any time prior to the thirty-day deadline to nominate a candidate or candidates.
6. Voting on candidates shall be by roll call vote with each Commission member naming the candidate of his/her choice. In the event that no candidate receives a majority vote on the first ballot, candidates receiving no votes will be eliminated. If two top candidates are tied, those with a fewer number of votes will be eliminated. Voting will continue until a majority vote for a candidate is achieved.
7. The candidate appointed must take the Oath of Office and may take office immediately or at the next regularly scheduled Commission meeting.
8. The candidate appointed will hold office until the Monday following the election at which such vacancy shall be filled for any balance of the unexpired term.  
(REF: Charter: Chapter 5, Section 5.5;-)
9. The provisions of this section shall not apply to the filling of vacancies resulting from recall.  
(REF: Charter: Chapter 5, Section 5.5;-)

## **J. MISCELLANEOUS**

### 1. Amendments to Rules:

The rules and procedures of the City Commission may be altered or amended by a two-thirds vote of the entire Commission.

### 2. Suspension of Rules:

The rules and procedures of the City Commission may be suspended for good cause for a specified portion of a meeting by a two-thirds vote of the entire Commission.

### 3. Controlling Authority:

These rules and procedures shall control unless preempted by City Charter, State laws or the courts.

## **K. COMMITTEE ASSIGNMENTS**

### 1. Assignments:

The Mayor may assign Commission members to any committee as is deemed necessary, with approval of the Commission.

### 2. Responsibilities:

Commission members responsibilities as a committee member will be generally limited to policy and not the administration of a department or appointed organization.

**L. APPROVAL AND AMENDMENTS: RULES AND PROCEDURES OF THE CITY COMMISSION**

Approved:	Motion #	Moved By:	Seconded By:
04-19-10	#78 2010 04-19	Bostick-Tullius	Robinet

Amended:	Motion #	Moved By:	Seconded By:
04-01-19	#75 2019 04-01	Bostick-Tullius	Osentoski

Amended:	Motion #	Moved By:	Seconded By:
06-01-20	#105 2020 06-01	Pattison	Osentoski

Amended:	Motion #	Moved By:	Seconded By:
04-19-21	#085 2021 04-19	Cattane	Osentoski