



**Rules and Procedures
for the 39th City Council of the
City of Berkley, Michigan**

**Approved at the
November 21, 2022
Regular Meeting**

Rules and Procedures of the 39th City Council of the City of Berkley, Michigan

SECTION 1:

That the Council shall generally conduct its regular meetings on the first and third Monday at 7:00 p.m. in City Hall at 3338 Coolidge Highway, (248-658-3300), or remotely in accordance with the Michigan Open Meetings Act, MCL 15.261 et seq., as amended by the adoption of Public Act 228 of 2020.

SECTION 2:

Except where in conflict with these rules, Federal or State law, the City Charter, or City ordinance, Robert's Rules of Order (current revision), shall govern the conduct of meetings.

SECTION 3:

Council agendas shall include the following, in the order that best suits the needs of each meeting, and posted accordingly:

- Call to Order
- Approval of Agenda
- Mayor led Moment of Reflection
- Pledge of Allegiance
- Public Comment
- Order of Business
- Consent Agenda
 - Approval of Minutes
 - Approval of Warrants
- Regular Agenda
- Communications
- Council Closed Session (if any)
- Adjourn

At the Mayor's discretion, a moment of reflection may be observed at the beginning of Council meetings. Consent Agenda in this sense includes any item or resolution which is of a routine or recurring nature. If a Councilmember or member of the public attending the meeting requests to have any item removed from the Consent Agenda, the matter will be moved to the Regular Agenda for discussion or deliberation. All items on the Consent Agenda shall be read by title without debate. One motion shall be given for the Consent Agenda and a roll call vote shall be taken. Resolutions and/or proclamations honoring individual citizens for personal outstanding accomplishments shall also be included in the Consent Agenda. After the passage of the Consent Agenda, the mayor at his/her discretion, may read the entire resolution.

SECTION 4:

The City Clerk shall cause Minutes to be kept of every Council Meeting, whether open or closed, showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, all roll call votes taken at the meeting, and the purpose for which a Closed Session

is held. Minutes of a Closed Session are to be retained for one year and are not available to the public unless ordered disclosed by a court. In addition, all audio and video recordings of Council Meetings, as well as meetings of the Planning Commission and Board of Appeal, shall be placed in the City's record retention file for not less than one day after the approval of the official minutes.

SECTION 5:

The following rules are hereby established not only to affirm the rights of the public to address the meeting and to fully participate in the democratic process, but also to facilitate the orderly and efficient conduct of Council business:

1. At a point on the Council agenda designated for public comment, any person may address the meeting for a reasonable period of time about items not on the agenda. The Mayor may set reasonable limits on the length of citizen comments.
2. Any person addressing the meeting must identify the city in which they reside and, if that person wishes a reply to any question, they must leave their full name, address and phone number with the City Clerk before leaving the meeting or via email to Clerk@Berkleymich.net if attending an electronic meeting.
3. No person shall make any statements or comments designed to announce or promote their candidacy or the candidacy of another for political office.
4. No person shall make any personal attack against a candidate, the Mayor, or any Councilmember or City employee.
5. Irrespective of Robert's Rules of Order, the Mayor, acting as presiding officer of the Council, shall have the same rights, responsibilities and power of discussion as other Councilmembers.
6. No new items shall be taken up for discussion on the regular agenda after 10:00 p.m.
7. At any point during the meeting, the Mayor may allow citizen comments on any issue on the agenda. The Mayor may set reasonable limits on the length of citizen comments.
8. All Regular and Special Meetings of the Council shall be open to the public, and all persons are permitted to attend any meeting unless a Closed Meeting is held.
9. Upon a two-thirds roll call vote of the members of Council elected and serving, a Closed Session may be held to consider the purchase or lease of real property, to consult with the City's attorney on specific pending litigation, to review applications or appointments to a public office where the candidate requests confidentiality, to consider complaints or charges against a public officer, employee or individual agent when the named person requests a closed hearing, for strategy and negotiations when connected with a collective bargaining process; and for any other permissible purpose under and in accordance with the Michigan Open Meetings Act.
10. The Council shall continue to cablecast its regular meetings to further inform local residents of City government issues, activities, and events.

SECTION 6:

Filling of Vacancies for Boards and Commissions

1. Requests will be made in local news media, social media, and the city website inviting qualified people to make application to the city manager. Applications are due eight business days before the meeting in which the appointment will be considered. The vacancy must be posted at least 10 business days before the application deadline.
2. Recommendations from the pool of applicants will be requested from the city council liaison and the officers of the board or commission where the vacancy exists. The recommendations must be provided to the city manager five business days before the meeting in which the appointment will be considered.
3. All applications for appointment or reappointment and all liaison and board recommendations will be forwarded to Council for its review four business days before the meeting in which the appointment will be considered. For those recommended for reappointment, included will be attendance records, and for the Planning Commission and Zoning Board of Appeals, training records.
4. If a Councilmember wants further information concerning the candidate, they may contact the applicant.
5. Each Councilmember may provide a ranked list of their choices for each vacancy from the list of applicants. The choices must be given privately to the City Manager at least three business days before the meeting in which the appointment will be considered.
6. At the next regular meeting, or a special meeting called for that purpose, the City Manager must present a slate of candidates for the vacancies based on the recommendations from Councilmembers. Council may vote on the slate as a whole, or any Councilmember may ask that a vacancy be considered separately from the slate. Any individual receiving four or more "yes" votes will be considered appointed.

SECTION 7:

Vacancies in the office of City Councilmember shall be filled pursuant to Sections 3.6, 3.7 and 13.5 of the City Charter through the following procedure:

1. The City Clerk shall publish and post notice of the City Council vacancy and the procedure and deadline for applying. City Council will accept applications from eligible candidates for 5 business days, or such other time as Council may prescribe, in order to complete the appointment process to fill the Council vacancy within the 30 days mandated by the City Charter.
2. If 5 or fewer candidates apply, those candidates will be invited to the next City Council meeting to make a presentation and/or be interviewed by Council, and at its next following meeting, Council shall appoint one of the candidates to fill the Council vacancy.

3. If more than 5 candidates apply, a 3-member Ad Hoc Committee shall be convened comprised of the Mayor Pro Tem, as chairperson, the most junior member of City Council, and the most senior member of City Council. The Committee shall be tasked with holding an open meeting to review and numerically score the candidate applicants on a 1 (lowest) to 3 (highest) scale based on criteria including community/municipal engagement, professional experience, background and diversity, and any other criteria that City Council may establish. The 5 highest scoring candidates shall be specifically invited to attend the next City Council meeting to present themselves, although the scores and applications of all candidates shall be provided to City Council, and all applicants may attend the City Council meeting and have an opportunity to address City Council.
4. Thereafter, each City Councilmember may nominate 1 candidate for appointment. No second to any nomination shall be required, nor is it necessary for a Councilmember to nominate a candidate if the Councilmember's preferred nominee has already been nominated.
5. A roll call vote shall be conducted, and each Councilmember shall vote among the nominees. A nominee who receives the vote of a majority of the Councilmembers currently holding office shall be declared appointed. If no nominee receives the vote of a majority of the Councilmembers currently holding office and there are more than 2 nominees, then the nominee who receives the fewest votes shall be dropped, and another vote shall be taken among the remaining nominees. This process shall continue until a nominee receives the vote of the majority of the Councilmembers currently holding office.

SECTION 8:

The Daily Tribune shall be the official newspaper for the publication of notices and of proceedings and ordinances of the Council, as may be required by the law or by City Charter.

SECTION 9:

The City Attorney is designated to act as parliamentarian for the City Council.

SECTION 10:

Flagstar Bank is the designated official depository of City funding pursuant to Section 9.7 of the City Charter.

SECTION 11:

This resolution shall supersede all existing resolutions, orders, rules and order of procedures insofar as they may be inconsistent herewith.

SECTION 12:

The City Clerk shall cause a copy of this resolution to be posted in City Hall and in two other different public and conspicuous places within the City.

SECTION 13:

Code of Ethics for Government Service applies to City Council as well as administrative officials appointed by Council.

Preamble

A code of ethics for government service calls upon public servants to treat their office as a public trust. It often takes extraordinary moral courage to do what is right. The strength and value of a code of ethics are found in their capacity to inspire voluntary commitment to higher moral standards than law or custom. By doing so, public servants inspire and justify confidence and faith in government.

ANY PERSON IN GOVERNMENT SERVICE SHOULD:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or government department.
2. Uphold the Constitution, laws, and regulations of the United States and of all governments therein and never be a party to their evasion.
3. Give a full day's labor for a full day's pay; giving earnest effort and best thought to the performance of duties.
4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.
5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.
6. Make no private promises of any kind binding upon the duties of office, since a government employee has no private word which can be binding on public duty.
7. Engage in no business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of governmental duties.
8. Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.
9. Expose corruption wherever discovered.
10. Express themselves – in both spoken and written communications – in a manner becoming of a City of Berkley official or representative and maintain a constructive tone that may not reasonably be construed as demeaning, harassing, accusatory, untruthful, or disrespectful.
11. Uphold these principles, ever conscious that public office is a public trust.

SECTION 14:

Electronic Meetings

1. Beginning January 1, 2021 through December 31, 2021, City Council meetings may be held, in whole or in part, by electronic means using telephone conferencing or video conferencing technology due to circumstances requiring accommodation of any City Councilmember absent because of military duty, a medical condition, or when a declared statewide or local state of emergency or state of disaster exists and the personal health or safety of members of the public

or public body would be at risk if the meeting were held in person. After December 31, 2021, electronic participation of a City Councilmember will be permitted only in circumstances requiring accommodation of a member who is absent due to military duty. As used in these Rules, the term “medical condition” means an illness, injury, disability, or other health-related condition, including the quarantine or isolation of a City Councilmember to minimize the spread of a contagious disease.

2. An electronic meeting of the City Council will be conducted in a manner that permits two-way communication so that members of the Council can hear and be heard by one another, and so that public participants can hear members of the City Council and be heard by both the Council and other public participants. The City may use technology to facilitate typed public comments submitted by members of the public participating in the electronically-held meeting that shall be read to or shared with members of the City Council and other participants.

As permitted by the Open Meetings Act, a physical place is not required for an electronically-held meeting. Members of the City Council and members of the public participating electronically in a meeting that occurs in a physical place are considered present and in attendance at the meeting for all purposes. For a meeting at which City Councilmembers are physically absent due to military duty or a medical condition and who are being accommodated by remote participation, all other City Councilmembers must be physically present at the meeting to be able to participate.

In addition to any other notice required by the Open Meetings Act, advance notice of an electronically-held meeting shall be posted on a portion of the City’s website that is fully accessible to the public. The public notice must be included on either the home page or a separate webpage dedicated to public notices for non-regularly scheduled or electronically-held public meetings that is accessible through a prominent and conspicuous link on the City’s website home page that clearly describes its purpose for public notification of non-regularly scheduled or electronically-held public meetings. Any scheduled meeting of the City Council may be held as an electronic meeting as permitted by the Open Meetings Act if a notice consistent with this Rule is posted at least 18 hours before the meeting begins. Any notice of the meeting of the City Council held electronically must clearly contain all of the following:

- a. Why the City Council is meeting electronically;
- b. How members of the public may participate in the meeting electronically (if a telephone number, internet address or both are required to participate, that information must be provided in the notice);
- c. How members of the public may contact members of the City Council to provide input or ask questions on any business that will come before the Council at the meeting; and
- d. How persons with disabilities may participate in the meeting.

If an agenda exists for an electronically held meeting of the City Council, the City shall, on a portion of its website that is fully accessible to the public make the agenda of the meeting available to the public at least 2 hours before the meeting begins. This publication of the meeting agenda does not prohibit subsequent amendment of the agenda at the meeting.

A member of the general public is not required to register or otherwise provide his or her name or other information or otherwise fulfill a condition precedent to attend an electronically-held meeting, other than mechanisms established and required by the City necessary to permit the individual to participate in a public comment period of the meeting.

Members of the general public otherwise participating in an electronically-held meeting of the City Council are excluded from participation in a closed session of the City Council that is held electronically provided that the closed session is convened and held in compliance with the requirements of the Open Meetings Act applicable to closed sessions.

3. The order of business for all meetings of the City Council conducted electronically and held beginning January 1, 2021 through December 31, 2021 for City Council meetings held, in whole or in part, by electronic means using telephone conferencing or video conferencing technology when a declared statewide or local state of emergency or state of disaster exists shall be as follows: Call to Order; Approval of Agenda; Invocation; Pledge of Allegiance; Public Comment – Items On the Agenda; Approval of Minutes; Approval of Warrants; Consent Agenda; Regular Agenda; Public Comment – Items Not On the Agenda; Communications; and Adjournment. The order of business outlined in this paragraph is not applicable when electronic means is used to accommodate the absence of individual City Council members due to military duty or a medical condition.
4. During City Council meetings conducted electronically, members of the public attending the meeting, once recognized by the chair, shall identify themselves for the record and indicate the municipality where they reside. Comments by the public will be limited to three minutes for each speaker unless the time is extended by the chair or by vote of the Council. Comments by the public shall be confined to the Public Comment portions of the meeting.
5. A member of the City Council who anticipates being absent from a meeting due to the circumstances set forth in the Open Meetings Act and these Rules may request accommodation of their absence to permit their remote participation in and voting on Council business by two-way telephonic or video conferencing communication. A City Councilmember who desires to attend a meeting by telephonic or video conferencing shall inform the City Manager, or the City Manager's designee, at least 24 hours before the meeting to permit any necessary technology to be put in place to accommodate participation of the absent member. City Councilmembers attending a meeting by telephone or video conferencing may fully participate in the meeting, including voting and attendance in any closed session of the City Council. A Councilmember participating by telephonic or video conferencing is not permitted to chair the meeting unless all Council members are participating by telephone or video conferencing.

Any member of the City Council attending a meeting remotely must publicly announce at the outset of the meeting (which shall be included in meeting minutes) that the member is attending the meeting remotely. If the member is attending the meeting remotely for a purpose other than for military duty, the member's announcement must identify the member's physical location by stating the city, village, or township and the state from which the member is attending the meeting remotely.