

AGENDA REPORT

TO: Mayor Pat Humphrey & the Clare City Commission
FROM: Jeremy Howard, City Manager
DATE: December 29, 2022
RE: Annual Review of By-Laws

For the Agenda of January 3, 2023

Background: The By-Laws of the City of Clare City Commission (*att'd*) govern the procedures and processes followed by the City Commission with respect to the rules it adopts and enforces, the conduct of its members, the conduct meetings, and the decisions made by the Commission – in essence, everything the City Commission formally does or does not do. Consequently, it is deemed appropriate to review and update those rules annually at the Commission's first meeting prior to conducting any other business to ensure the by-laws are up-to-date and are in fact fulfilling the needs and desires of the City Commission.

Issues & Questions Specified: Should the City Commission conduct an annual review of its By-Laws?

Alternatives:

1. Conduct an annual review of the by-laws.
2. Do not conduct an annual review of the by-laws.
3. Set aside the matter for further consideration and/or deliberation.

Financial Impact: N/A.

Recommendations: I recommend that the City Commission conduct a review of its by-laws and adopt the current by-laws by adoption of Resolution 2023-001.

Attachments

1. By-Laws
2. Proposed Resolution 2023-001.

CLARE CITY COMMISSION BYLAWS

Reviewed & Adopted _____ by Clare City Commission Resolution _____

The bylaws outlined herein establish the rules and order of business of the Clare City Commission. The bylaws are adopted to ensure consistency, order, efficiency, and democracy in the conduct of all official business of the City Commission.

The governing procedures of the City Commission are outlined in Chapter 6, Procedure of the City Commission, of the Charter of the City of Clare. The bylaws outlined herein simply serve to reiterate and augment those procedures. In the event any rule established by these bylaws is lacking or conflicts with the City Charter, the Clare City Charter shall prevail.

Any revision or modification of these bylaws shall be accomplished by adopted and numbered Resolution of the Clare City Commission.

Regular Meetings. The Clare City Commission shall meet on the first and third Mondays of each month commencing at 6:00 p.m. If the meeting shall fall on a City holiday, the meeting shall be held on the following Tuesday. All meetings shall be held in the Commission Chambers of Clare City Hall unless posted otherwise. All meetings shall comply with the provisions of the Michigan Open Meetings Act.

Special Meetings. Special meetings may be called by the City Clerk on written request of the Mayor, the City Manager, or by any two members of the Commission on at least 24 hours written notice to each member of the Commission. All special meetings shall comply with the provisions of the Michigan Open Meetings Act.

Attendance. If a Commissioner shall miss five consecutive regular meetings of the Commission or 25% or more of such meetings in any fiscal year of the city, unless the Commission shall excuse such absence in the event of an emergency or catastrophic event and the reason therefore entered in the proceedings, his/her office shall become vacant. Remote meeting participation and voting is expressly prohibited.

Quorum. Three members of the Commission shall be a quorum for the transaction of any business at Commission meetings.

Conduct of Meetings. All meetings shall be chaired and controlled by the Mayor. In the absence of the Mayor, these duties shall transfer to the Mayor Pro Tem. In the absence of the Mayor and Mayor Pro Tem, the City Clerk or Deputy Clerk shall call the meeting to order and, subsequent to the Pledge of Allegiance and Roll Call, call for a motion to designate a seated City Commissioner to chair the meeting. Upon majority vote of the seated Commissioners, the designated Commissioner shall then chair and control the meeting. Except where exempted by a specific procedure outlined within these bylaws, the conduct of all meetings and the rules of procedure shall be in accordance with *Robert's Rules of Order Newly Revised*.

Agenda. The agenda for all regular meetings of the Clare City Commission shall be presented to the Commission in the following manner:

1. Call to Order
 - A. Pledge of Allegiance
 - B. Roll Call
2. Consent Agenda - All items listed with an asterisk (*) are considered to be routine by the City Commission and shall be enacted by one motion. There will be no separate discussion of these items unless a Commissioner or citizen requests to do so, in which event the item will be removed from the General Order of Business and considered in its normal sequence of the agenda.
3. *Approval of Minutes
4. *Approval of Agenda
5. Old/Unfinished Business
6. New Business
 - A. Regular Business
 - B. *Consent Agenda Business (See list below for approved New Business Consent Agenda items)
7. Treasurer's Report (1st meeting of the month)
8. *Department Reports (2nd meeting of the month)
9. City Manager's Report
10. *Other Committee and/or Advisory Board Reports
11. *Communications
12. *Approval of Bills
13. *Professional Education Opportunities
14. Public Comment
15. Closed Session (as needed)
16. Adjournment

New Business Consent Agenda Items. All items listed below may be designated as New Business Consent Agenda Items. As such, they will be designated by an asterisk (*), are considered routine by the City Commission, and shall be enacted by one motion. There will be no separate discussion of these items unless a Commission or citizen requests to do so, in which event the item will be considered in its normal sequence within New Business on the agenda:

- *Appointments and/or Resignations
- *Approval of leases, contracts, and/or agreements
- *First and second readings of proposed ordinances
- *Approval of license applications and bonds
- *Set dates for hearings
- *Approval of contract modifications and/or amendments
- *Other items determined by necessity

Public Comment. The following rules are established for all individuals desiring to be heard at any City Commission meeting:

- Before an individual can be heard, the Mayor or Commissioner in charge of the Commission meeting must recognize him/her.
- Individuals recognized to be heard shall provide their name and address and state the primary topic of their comment(s).
- The individual(s) addressing the Commission shall use a podium and microphone if they are available.
- All comments shall be addressed directly to the Commission – not to other individuals within the room.
- Individuals addressing the City Commission shall be limited to one (1) opportunity of five (5) minutes per topic of discussion in presenting their statements/comments.
- Individuals making statements during public hearings are encouraged to avoid repetition of ideas that have already been presented.
- If deemed appropriate or necessary by the Mayor or Commissioner in charge of the hearing or meeting, rebuttal comments/remarks of not more than two (2) minutes per person may be allowed. If rebuttal comments are allowed, the Mayor/Commissioner in charge of the meeting individual(s) must again recognize the individual prior to the presentation of his/her rebuttal comments.
- All comments shall be made with appropriate courtesy and in a civil tone.
- Inflammatory or degrading comments or remarks made against or intended toward other individuals will not be allowed.
- Heckling or chiding will not be allowed.
- Obscene or indecent language will not be allowed.
- Written comments may be submitted in lieu of verbal comments.
- The individual acting as secretary of the Commission (routinely, the City Clerk or Deputy Clerk) shall record and maintain a synopsis of all public remarks/comments, to include a record of the individual(s) responsible for the remarks.
- The Commission's secretary shall be responsible for timekeeping and shall inform the Commission chair when an individual's allowed time has elapsed.
- The Mayor or Commissioner in charge of the hearing may modify or change the aforementioned procedures, if necessary, to ensure order and democracy.

Sergeant-at-Arms. The City of Clare Chief of Police shall serve at the Sergeant-at-Arms of the Commission in the enforcement of the provisions of these bylaws.

Appointment of City Commissioner to Serve as Voting Member of the City of Clare Zoning Board of Appeals. The City Commission's Mayor Pro Tem shall serve as the City Commission's designated representative and voting member of the City of Clare Zoning Board of Appeals.

Annual Review of By-Laws.

It has been determined by the Clare City Commission that an annual review of its By-Laws shall be conducted as its first order of business at its first-scheduled public meeting of each new year and any changes shall be made thereto at said meeting.

Amendments. These bylaws may be amended at any regular or special meeting by a majority vote of the City Commission.

RESOLUTION 2023-001

A RESOLUTION OF THE CLARE CITY COMMISSION DIRECTING APPROVAL OF THE ANNUAL REVIEW OF ITS BY-LAWS.

WHEREAS, the City Commission has adopted by-laws that promulgate and govern all aspects of the formal processes and procedures by which the City Commission conducts its business; and

WHEREAS, the City Commission considers the annual review of said by-laws crucial to ensure said document correctly prescribes the intentions and desires of the City Commission and that said by-laws always remain current, valid, and meaningful; and

WHEREAS, the City Commission has conducted its annual review of said by-laws and approves of its current by-laws;

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Clare hereby approves and adopts its By-Laws as reviewed at its first scheduled public meeting of the New Year, said meeting conducted on the third day of January 2023.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INSOFAR AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.

**The Resolution was introduced by Commissioner _____ and supported by Commissioner _____.
The Resolution declared adopted by the following roll call vote:**

YEAS:

NAYS:

ABSENT:

Resolution approved for adoption on this 3rd day of January, 2023.

Diane Lyon, City Clerk