



AGENDA - Special City Council Meeting

DATE: June 19, 2023 6:00 PM City Council Chambers

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Public Comment (Agenda Items)
- V. New Business
 - I. Council Comment
 - II. Open Meetings Act Training Session
 - III. Public Comment (Non-Agenda Items)
 - IV. Closed Door- Pursuant to MCL 15.268(c)
- VI. Adjournment

Public Comment: Public Comments are limited to three minutes.

Live Stream: The meeting will be livestreamed to the Official City of Grosse Pointe Park YouTube Channel.



MEETING DECORUM

PUBLIC HEARINGS, MOTIONS, EX PARTE
CONTACT, THE OMA, AND MORE!



Why Does Procedure Matter at a Public Meeting?



Tips For a Successful Public Meeting

The Chair controls the flow of the meeting, including announcing business to come before the Board and recognizing members entitled to the floor.



The Board should be familiar with and follow your Bylaws. When in doubt, follow Robert's Rules of Order.



Always maintain control and decorum. Usually this is the responsibility of the Chair, but all members should assist.



Follow appropriate procedures for passage of motions and amendments to motions. Ensure intent is clear in language of motions.



Board members should refrain from commenting during public comment, avoid back and forth.



Any Board or chair response should be after public comment is closed.

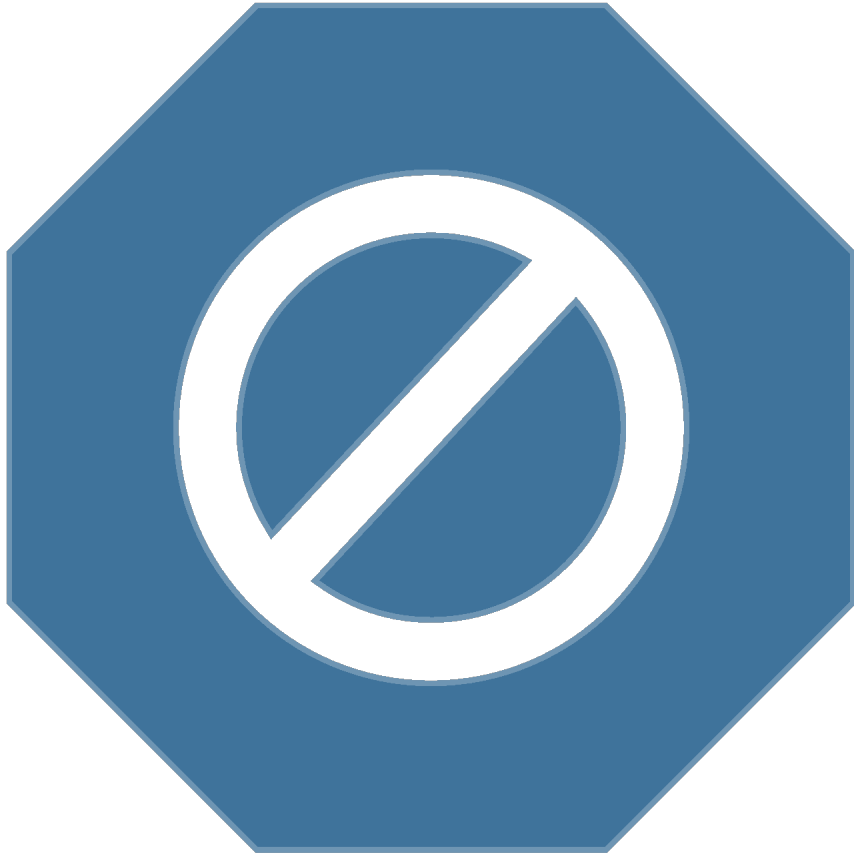


OAG Opinions on Public Comment Rules

Issues Boards and Commissions can address by Bylaws:

- Length of time that members of the public may address the Board.
- Designation of the time for public participation during a certain part of the agenda.
- The OMA prohibits a public body from placing conditions on the attendance of members of the public at an open meeting. The right of a person to address a public body may, however, be reasonably controlled by rules recorded by the public body. It is reasonable to require a person to identify himself for purposes of public comment.

OAG Opinion 1977-78 5183



The Board May Not...

- Limit the subject or issues that the speaker wants to address.
- Require exhaustion of administrative procedures before allowing a person to speak.
- Prevent a person from talking about a confidential or closed session topic.
- Require as a condition of attendance that a person register and/or provide his or her name as a condition to attending a meeting.

OAG Opinion 1977-78 224

Procedure to Pass and Amend a Motion

To Pass a Motion:

- ❖ Board Members have the right to make motions during a meeting almost any time no other business is pending. The chair recognizes the member.
- ❖ The member states the motion.
- ❖ Another member seconds the motion.
- ❖ The members debate the motion.
- ❖ The chair restates the motion, and the members vote.
- ❖ The chair announces the result.

To Amend a Motion:

- ❖ Board member would make the following motion: “I move to amend the motion on the floor.” This also requires a second.
- ❖ After the motion to amend is seconded, a majority vote is needed to decide whether the amendment is accepted.
- ❖ A vote is taken on the amended motion.

What is Included in a Motion?



Motions that are passed in violation of the Township's adopted procedures are likely to be upheld by the Court but will be interpreted based upon the *intent* of the Board, based on the language included in the Motion.



Does not include Board discussion.



It only includes the language of the motion voted on.



The Open Meetings Act

1976 PA 267

Intent of the Act

“To strengthen the right of all Michigan citizens to know what goes on in government by requiring public bodies to conduct nearly all business at open meetings.”



A Meeting is Subject to the OMA if...

- A public body (including committee, subcommittee) meets with a quorum present.
- To deliberate towards or render a decision** on something on something on which a vote by the public body is required and by which a public body effectuates/formulates public policy.

**The OMA defines "decision" to mean "a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill, or measure on which a vote by members of a public body is required and by which a public body effectuates or formulates public policy." MCL 15.262(d).

The OMA & Ex Parte Contact

➤ "[a]ll decisions of a public body shall be made at a meeting open to the public," and that, with limited exceptions, "[a]ll deliberations of a public body constituting a quorum of its members shall take place at a meeting open to the public." MCL 15.263(2) and (3).

➤ Basic idea is that all members and all people that are interested enough to be at the meeting can hear all sides of an issue and can add to or respond to what has been said:

“Parties at the hearing before a governing body are entitled to an opportunity to be heard, to an opportunity to present and rebut evidence, to a tribunal which is impartial in the material, having had no prehearing or *ex parte* contacts concerning the question at issue”

– *Fasano v. Board of County Commissioners of Washington County*



Permissible Reasons to go Into Closed Session

A public body may meet in a closed session only for one or more of the following permitted purposes specified in section 8 of the OMA:

- (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, or staff member, if the named person requests a closed hearing.
- (2) For strategy and negotiation sessions connected with the negotiation of a CBA if either negotiating party requests a closed hearing.
- (3) 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) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation.
- (5) 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.
- (6) To discuss a written legal opinion or memorandum with the Township Attorney or to consider material exempt from discussion or disclosure by State or Federal Statute.

Procedures to Go Into Closed Session

- A closed session must be conducted during the course of an open meeting.
- a public body may go into closed session upon a motion duly made, seconded, and adopted by a 2/3 roll call vote of the Board.
- The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.
- Motion should be made to end the closed session with a majority vote needed for approval.
- When the Board has concluded its closed session, the open meeting minutes should state the time the public body reconvened in open session and any votes on matters discussed in the closed session must occur in an open meeting.

Use of e-mail or other electronic communications during an open meeting

Email, texting, or other forms of electronic communications among members of a board or commission during the course of an open meeting that constitutes deliberations toward decision-making or actual decisions violates the OMA, since it is in effect a "closed" session.

See *Esperance v Chesterfield Twp*, 89 Mich App 456, 464; 280 NW2d 559 (1979) and OAG, 1977-1978, No 5262, p 338 (January 31, 1978).



Meeting Minutes

The goal of minutes is to create a record of a meeting of the council or commission

Robert's Rules of Order:

Minutes “should contain mainly a record of what was done at the meeting, not what was said by the members.”



Ethics

MCL 15.342

- “A public officer or employee shall not divulge to an unauthorized person confidential information acquired in the course of employment in advance of the time prescribed for its authorized release to the public.”
- “A public officer or employee shall use personnel resources, property, and funds under the officer or employee’s official care and control judiciously and solely in accordance with prescribed constitutional, statutory, and regulatory procedures and not for personal gain or benefit.”
- Conflicts of interest
- Use of position for financial gain



Questions?
