

# Council Orientation and Policy Manual

A Handbook for City of Madison Heights Council Members



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## **WELCOME**

We are pleased that you have become a member of the City's governing body. Our community relies on the dedication of individuals with pride in their community and the initiative to become involved in the local municipal government process.

As a member of the City Council, you will be asked to make policy decisions, enact laws, levy taxes, and act for the benefit and best interest of the City of Madison Heights. In addition, you will be performing a valuable service by addressing community issues and needs as you represent your constituents. It is a needed service that carries great responsibilities, which, hopefully, this manual will help you meet without feeling overwhelmed.

City officials look forward to your contribution as we all work together to provide efficient municipal services responsive to local needs and expectations.

The City Council appreciates your willingness to work in this capacity and hopes your experience will be stimulating, enjoyable, and satisfying.

## **INTRODUCTION**

This handbook has been prepared to help elected officials of the City of Madison Heights carry out public office duties and responsibilities. It is intended to be used for reference purposes only. This publication is based on state and federal legislation, general local government reference works, other detailed municipal manuals, resolutions, the City Charter, and similar publications dealing with municipal governments that the Michigan Municipal League has published.

In the various sections of this manual, information has been provided on the basic structure of city government, as well as some guidance on conducting council meetings, advice on how to govern the City of Madison Heights effectively, descriptions of how the City is organized, details of what is required for public hearings, and information on creating a budget. In addition, some actions that public officials sometimes do not realize could create criminal liability are listed in the hope that such problems are best avoided through receiving good information.

Finally, the City Council has established several committees, commissions, and boards to review city programs, projects, and community issues. These groups provide greater community participation and can be a valuable source of information as they make recommendations to the City Council on specific areas. These bodies are organized through a city ordinance, city resolutions, or state statutes, prescribing their duties and authority.

If you have questions regarding your role, authority, or area of responsibility within the aspect as a member of the City Council of the City of Madison Heights, please feel free to direct your questions or concerns to the offices of the City Manager.

## **MISSION STATEMENT**

The City of Madison Heights' mission is to provide high-quality services to residents and businesses in the most efficient, effective, and ethical manner possible to maintain and enhance, where possible, the public's health, safety, and quality of life.

**Strategic Plan 2023-2028**  
"Blueprint for the Future"

**1. Public Safety**

- 1.1 Encourage and continue to enforce compliance with city ordinances to prevent blight and address graffiti and deterioration to ensure a quality community and improved community appearance.
- 1.2 Improve the safety and security of all municipal buildings.
- 1.3 Improve Public Safety Service and Emergency Response.
- 1.4 Strength Emergency Preparedness: Improving residents' capacity to prepare and respond to a major emergency.

**2. Infrastructure/Capital Assets**

- 2.1 Building asset management plan – evaluate each city building for use(s) restoration, preservation, and maintenance needs. Discuss options for each location, including repair, refurbishment, relocation, and combination with other sites.
- 2.2 Maintain a reliable vehicle fleet citywide with priority given to Public Safety vehicles and equipment.
- 2.3 Develop a long-term solution for the SOCRRRA site.

**3. Quality of Life**

- 3.1 Provide accessible and quality library services with sufficient technology, materials, hours, and staff to meet community needs.
- 3.2 Enhance Parks/Recreation to appeal to a community of all ages and abilities, including expanding green space, recreation programs, and trail improvements.
- 3.3 Support neighborhood vitality and livability.

**4. Economic Development**

- 4.1 Implement a comprehensive Economic Development strategy to attract new business and ensure a vibrant business climate welcoming to all residents and visitors.
- 4.2 Research city options for property acquisitions of vacant or abandoned property.

**5. Financial Sustainability and Efficient City Services**

- 5.1 Maintain a stable, efficient, and transparent financial environment.
- 5.2 Provide a reliable financial plan that ensures stability per the strategic plan and promotes a proactive response to issues.
- 5.3 Attract, hire, train, and retain high-performing diverse municipal workforce.
- 5.4 Leverage technology to drive efficient and responsive service delivery

**6. Sustainability**

- 6.1 Maximize the environmental and social benefits of our city services and resident programs.

## GENERAL INFORMATION FOR NEWLY ELECTED COUNCILMEMBERS

- According to the city ordinances, the Council meetings are to be held twice each month, except during December when only one (1) meeting is held. Typically these meetings are the second and fourth Monday's (excpt Holidays) the regular meetings start at 7:30 pm. Occasionally a special meeting will be scheduled before or after the regular Council meeting. Special Meeting times may be adjusted as necessary to meet scheduling needs and the time demands of scheduled agenda items. City Council will approve the meeting schedule by resolution ahead of each calendar year.
- The Agenda and packets of backup information will be posted on the City Council Website portal on the Thursday evening before the scheduled Meeting with information posted for the public by the Friday evening prior to the scheduled Meeting.
- In addition to the agenda and meeting packets, weekly on Thursday evening the City Manager posts a weekly Confidential packet and informational. The weekly confidential packet may include items such as confidential legal opinions, staff reports to Council requests, future items for the Council agenda that require Council input or comment. The Informational typically includes newspaper articles, letters from residents or other information that Council may find useful related to the City of Madison Heights. This information is posted on the Council web portal.
- It is the responsibility of each council member to come to the meetings fully prepared. This means that you should be reading through the entire packet, weekly confidentials and informations made available to you. If you have any questions regarding the information please contact the City Manager to research the answer to your question prior to the Meeting.
- Each council member has a mailbox at City Hall. It is the responsibility of each council member to periodically check his or her mailbox.
- Each new Council member needs to visit the human resources department in City Hall to fill out the necessary employment forms such as the W-4, I-9 etc... The Council is paid twice a month. The annual salary amount is currently \$6,653.52 for Council, \$7,320.40 Mayor Pro Tem, and \$9,497.08 for Mayor. All packets and materials are required to be accessed by the Mayor and City Council online. As such, you will also receive an internet stipend of \$515.40 annually at the end of November. This payment is to partially reimburse expenses incurred for internet access. If staff is regularly required to print council packets and reports, this reimbursement shall be prorated to compensate the City's expenses.

- Be sure to familiarize yourself with this Orientation Manual and the City of Madison Heights Annual Budget. In addition, the Michigan Municipal League regularly holds Newly Elected Officials Training. As a new elected official you are encouraged to attend these trainings when they become available; please contact the City Manager's office for registration.
- The Madison Heights City Council conducts their meetings according to 'Roberts Rules of Order'. Please familiarize yourself with the "Meeting Procedures Fundamentals" section of this document.
- At times the Council will convene in a closed session. Confidentiality is extremely important and should be strictly adhered to. Items discussed in closed session should not be shared with other persons outside the realm of the participants of the closed session. All closed session documents should remain within City Hall and should be disposed of in a proper manner. Do not leave closed session documents where others can see those and the City Clerk may collect some documents prior to the end of the session for proper disposal and confidentiality.
- Council members may be appointed to serve on City boards or commissions. It is very important that you develop open and regular communication with the appropriate staff liaison, department head, staff and volunteer committee members in order to gather information to help you effectively participate in that committee. It is important that Council members communicate with staff liaisons to find out how you can better support the board or commission for the overall benefit to the City.
- Council photographs will be taken at a scheduled meeting time after each City Council/Mayor election. Your attendance for the Council photographs is expected. Family and friends are welcome to attend the swearing-in meeting held at the first regular Council meeting after the election.
- Welcome to the Madison Heights City Council. I am looking forward to working with each of you as we strive to do what we feel is in the best interest for the City of Madison Heights.

Regards,  
Melissa Marsh  
City Manager

## **SEATING GUIDELINES FOR COUNCIL**

The seating arrangement of the council members shall be determined by the City Council seniority. The Mayor shall occupy the center seat with the City Manager directly to his/her left and City Clerk directly to his/her right. The City Attorney is seated directly to the City Manager's left. The other six seats are determined by Council seniority with three on the left and three on the right.

## **STRUCTURE**

The present status of cities and villages in Michigan is the result of historical tradition, of the home rule provisions of the Constitutions of 1908 and 1963, of the home rule acts of 1907, and the initiative of individual communities. During the nineteenth century, the state Legislature recognized the need to incorporate the densely settled communities within the basic pattern of counties and townships. The system of local government written into Michigan's 1908 and 1963 constitutions recognized the continuing existence of counties and townships, with the voluntary incorporation of the more densely settled areas as cities and villages. An innovation in the 1908 constitution was a provision for City and village home rule charters—a change which was to have many repercussions.

A city, being withdrawn from the township, must perform the basic, state-required duties as well as its own services. In addition to being responsible for assessing property and collecting taxes for county and school purposes, the City also becomes solely responsible for registration of voters and conduct of all elections within its boundaries. The greater independence of the City, in maintaining local regulations and functions and state-imposed duties in one integrated unit, accounts for the creation of many small cities in Michigan during recent decades. The trend has also developed in villages to seek incorporation as cities whereby they achieve a separation of jurisdiction from the township.

The City of Madison Heights was formed in 1955 with a Council-Manager form of government. Among Michigan home rule cities, more than 175 use the Council-Manager form, in which the elected council appoints a professionally trained and experienced manager to administer the day-to-day operations of the city, and to make recommendations to the city council. The council makes all policy decisions, including review, revision, and final approval of the proposed annual budget. The City Manager works directly for the council who review the manager's performance annually.

## LEGISLATIVE BRANCH

The Mayor and the City Councilmembers shall constitute the City Council.

### **Powers of the Mayor**

The Mayor shall act as presiding officer and parliamentarian at meetings of the City Council. For all ceremonial purposes, the Mayor shall be the executive head of the City. They shall have a voice and vote in all proceedings of the Council equal with that of other members of the Council and shall have no veto power.

The Mayor may call special meetings (which may also be called by any two members of the Council).

According to the City Charter section, 3.10 the Mayor nor City Council can dictate the appointment of any person to the office by the City Manager or in any way interfere with the City Manager or other city officer to prevent them from exercising their judgment in the appointment or employment of officers and employees in the administrative service. Except for inquiry concerning such appointments, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Mayor nor Council shall give orders to any of the employees of the City working under the City Manager.

### **Powers of the Mayor Pro Tem**

Mayor Pro Tem shall serve as Mayor in the event of the Mayor's absence or inability. The Council, at its first meeting after each regular city election, shall designate one of its members to act as Mayor Pro Tem. Such selection shall be a majority vote of the members of Council, including the Mayor, designating the Mayor Pro Tem. The Mayor and Mayor Pro Tem shall serve in that capacity until the next regular city election, provided, however, that each officer shall continue in office until his successor has been selected and sworn in. In the absence or disability of both the Mayor and Mayor Pro Tem, the Council may designate another of its members to serve as acting Mayor during such absence or disability.

### **Powers of City Council**

The electors of the City shall elect a City Council of six (6) members and the Mayor, which shall constitute the legislative and governing body of the City which shall have power and authority, except as in the Charter, or by law providing otherwise, to exercise all powers conferred upon or possessed by the City, and shall have the power and authority to adopt such laws, ordinances, and resolutions as it shall deem proper in the exercise thereof. In all cases where the word "Council" is used in this Charter, the same shall mean such City Council and shall be synonymous with the word "Commission," or any other term used in any state or federal law in referring to municipal legislative or governing bodies.

The City Council does not have executive (or administrative) powers of city government, as those are carried out by the City Manager, who serves at the pleasure of the Council.

## EXECUTIVE / ADMINISTRATIVE BRANCH

The City of Madison Heights was created as a Manager-Council form of government. The City Manager provides the City of Madison Heights with a more efficient, economical, coordinated, responsible, and responsive municipal government under a system of part-time Mayor and part-time City Council.

The City Council appoints the City Manager who serves for an indefinite term at the pleasure of the Council. The City Manager is the head of city administration and possesses and exercises executive and administrative powers of city government. The City Manager has no legislative powers. The City Council reviews the City Manager's performance on an annual basis. Therefore, it is essential that the City Manager and the Mayor, and City Council maintain open and effective communication.

The City Manager shall implement Council direction, priorities, and policies of the Mayor and City Council that require administrative implementation and shall promptly report the results obtained and any difficulties encountered. The City Manager shall direct, coordinate, and expedite the activities of all city departments. They shall be responsible for administering all day-to-day operations of the city government, including monitoring city compliance with State Statutes, regulations, city resolutions, and ordinances.

Specifically, per the Madison Heights City Charter Section 3.8, the City Manager is responsible for the efficient administration of all departments of the City except the City Attorney; to see that all laws and ordinances are enforced; to exercise authority of the hiring and termination of staff of the City; to give the proper department or officials ample notice of the expiration or termination of any franchise, contracts or agreements; to see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed; to recommend an annual budget to the Council and to administer the budget as adopted, and to keep the Council fully advised at all times as to the financial condition and needs of the City; to recommend to the Council for adoption such measures as he/she may deem necessary or expedient; and to attend Council meetings with the right to take part in discussion but not to vote; to exercise and perform all administrative functions of the City that are not imposed by this Charter or ordinance upon some other official; to be responsible for the maintenance of a system of accounts of the City which shall conform to generally accepted principles and procedure of governmental accounting.

## **JUDICIAL BRANCH**

The electors of the City elect the District Court Judge. The judge appoints the District Court Administrator and Court staff, who serves at the direction and pleasure of the Judge.

A district court is a true court of law and an integral part of the state court system. However, district courts are also unique in many respects. Some of this uniqueness is revealed by taking a closer look at a district court jurisdiction and powers.

On March 17, 1986, City Council approved retaining local control of the District Court System until a written proposal is submitted by the State of Michigan. Therefore, the City has budget authority over the district court; however, the District Court Judge has all administrative authority over the day-to-day court operations.

The District Court is convened at such times as the judge determines, and it enters judgment or dismisses matters that come before it as the court deems just. Examples of matters are ordinance violations cited by police officers, code enforcement officers, the building inspector or fire inspector, and traffic law violations. All judgments entered by the court may be reviewable by the Circuit Court if an appeal is brought.

The City Attorney represents the City as Prosecutor in all matters brought before the District Court.

## **CHAIN OF COMMAND**

All individual department heads and staff employees of the City of Madison Heights report to and are responsible to the City Manager. In addition, the City Attorney reports to the Mayor and City Council as a whole while generally reporting to the City Manager on executive and administrative matters and the Council on legislative matters.

The members of Boards and Commissions report to the Chair of the Board or Commission. All members of all Boards, regardless of who appointed them and what function they serve within the City's governmental structure, are part of the executive branch, making the City Manager an appropriate resource and informational source for all Boards and the appropriate final stop for questions and concerns.

The Mayor and City Council members are responsible to the constituents. If a problem arises, the council member may report to the council as a whole or contact the City Manager, who will respond to the problem through the proper chain of command. The City Attorney represents the City and City Council in all areas wherein the City Council has exclusive or final authority.

## **GUIDELINES FOR COUNCIL MEMBERS**

Over the years, many policies, rules, laws, and procedures have been adopted or put into place that guide many of the actions of the City Council.

On December 21, 1987, City Council passed a resolution providing for the continuance of City "Council Policies" based on the opinion of the City Attorney that published "Council Policies" need not be rescinded or adopted as an administrative act at the beginning of each new City Council term.

A collection of these Council Policies that remain relevant are contained in the following pages for City Council Reference:

## Open Meetings Act

It is the policy of the City Council that the City of Madison Heights shall fully comply with all provisions of Act 255, Public Act 1976, known as the Open Meetings Act; that to implement and effectuate such Council Policy, the following procedures are hereby established:

### MEETINGS:

Except for closed sessions permitted by the Act, all Council meetings shall be open to the public, and all deliberations and decisions of the City Council shall take place at such open meetings.

A person attending a public meeting shall not be requested to identify him or herself as a condition of attendance. Any person shall have the right to address a meeting of the Council under rules established and recorded by the Council. No person shall be removed from a meeting except upon a breach of the peace committed at such meeting.

Per the Michigan Open Meetings Handbook:

Use of e-mail or other electronic communications among board members during an open meeting – e-mail, 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. While the OMA does not require that all votes by a public body must be by roll call, voting requirements under the act are met when a vote is taken by roll call, show of hands, or other method that informs the public of the public official's decision rendered by his or her vote. Thus, the OMA bars the use of e-mail or other electronic communications to conduct a secret ballot at a public meeting, since it would prevent citizens from knowing how members of the public body have voted.

Moreover, the use of electronic communications for discussions or deliberations, which are not, at a minimum, able to be heard by the public in attendance at an open meeting are contrary to the OMA's core purpose – the promotion of openness in government.

The following rules were adopted on January 22, 2007, to govern Citizen Participation at meetings:

City Council suggests that if you have a question or concern, bring it to the attention of the appropriate department or its department head whenever possible before the Meeting. In addition, if you feel the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still unresolved to your satisfaction, to the City Council.

The City Council encourages individuals with questions or comments to speak at City Council Meetings. However, the speaker should expect the City Council and staff to allow comments within the established rules. These procedures are established to comply with all provisions of the Open Meetings Act, Public Act 267 of 1976.

Public may comment during the "MEETING OPEN TO THE PUBLIC." About any topic on the agenda or not.

The City Council Meeting is not the time for a speaker to engage in a debate with the City Council, staff, or other speakers. The Council receives input from the public and deliberates the issues at hand. The speaker's opportunity to comment occurs before the Council's deliberation and/or action.

The Council may or may not be able to answer a specific question at the time of the Meeting, but all questions will be answered as promptly as possible. It is not unusual for the Council to refer the speaker's questions to staff for follow-up after the meeting.

The following rules have been adopted to govern public conduct at Council Meetings to facilitate the orderly processing of business:

1. A person wishing to address the Council may provide their name, address, and group affiliation, if any, before providing comments.
2. Any comments or statements presented at the Council Meeting shall be limited to three (3) minutes.
3. All issues should be directed to the Mayor (or the Mayor Pro Tem in the Mayor's absence), as the Chairperson of the Council. The Mayor will be responsible for enforcing the rules and has the right to declare a speaker out of order. We ask all those in the Council Chambers to refrain from applauding or booing a speaker or commenting from the audience on statements made by a speaker at the podium or by anyone at the Council table. No personal attacks or political speeches will be allowed. When a person in the audience becomes loud or unruly, the Mayor may declare the person to be out of order and, if necessary, may rule the individual has forfeited the opportunity to speak further. In addition, a person may be excluded from the Meeting for the breach of the peace.

### Closed Sessions

Closed sessions of the Council shall be held only for specific purpose set forth in Section 8, Act 267, and Public Acts of 1976.

Roll Call vote must be taken to enter Closed Session and the purpose for which the closed meeting is being called must be stated in the meeting when the roll call is taken.

The specific circumstances for a closed session are:

- (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 individual requests a closed hearing.
- (b) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement.
- (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.
- (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. However, except as otherwise provided in this subdivision, all interviews by a public body for employment or appointment to a public office must be held in an open meeting pursuant to this act.
- (f) To consider material exempt from discussion or disclosure by state or federal statute.

## Minutes

Minutes of all meetings shall be kept and shall include the following:

1. Date, place, and time of meeting;
2. Members present and absent
3. Decisions made at meetings and all roll call votes
4. In the event that a decision is made to hold a closed session, the purpose of such decision shall be included.

All minutes shall be kept at the Office of the City Clerk, and except for minutes of closed sessions, shall be available for inspection and shall be copied, upon request, for the public; the estimated cost of printing or copying may be charged to the requesting party.

Minutes of closed sessions of the Council shall be kept separately and shall not be available to the public, except if required by Court Order arising out of a civil action commenced under Section 10, 11, or 13 of Act 266 of 1976; of the minutes of the regular meeting at which the closed session was approved.

Minutes shall be available as set for below:

1. Proposed Minutes – within eight (8) business days following the meeting to which they refer.
2. Approved Minutes – within five (5) business days following the meeting at which they were approved.

### Public Notice

Public Notice is required for all meetings, as set forth below, and each such notice shall:

1. Contain the name address and telephone number of the City of Madison Heights, Michigan, County of Oakland;
2. Set forth the date, place, and time of the meeting or meetings to which such notice refers;
3. Be posted at City Hall.

The City Clerk is hereby designed as the party responsible for all public notices issued pursuant to Section 5 (1) of Act 266, Public Acts 1976.

Public Notice, as set forth above, shall be posted within 10 days following the first Council meeting of each calendar year, setting forth the schedule of regular meetings for such year; in the event that such schedule is modified, another Public Notice, setting forth the new schedule, shall be posted within three (3) days following the meeting at which such modification was approved.

Public Notice, as set forth above, shall be posted at least 18 hours prior to the reconvening of a meeting recessed for over 36 hours.

The City Clerk shall mail copies of all Public Notices, by First Class Mail to any Party requesting same in writing, upon payment by such Party of a yearly fee representing estimated costs for printing, costs for handling and postage, except as set forth below:

- The City Clerk shall provide copies of all Public Notices to any newspaper published and to any radio or television station, located in Michigan, upon written request and without charge.

## **ADDING AGENDA ITEMS**

The Agenda should be completed ahead of the City Council meeting. The Mayor or any two (2) individual Councilmembers may submit a request to the City Manager for an item be added to the agenda no less than four (4) days prior to the public release of the agenda packet.

If an item is of emergency nature and necessitates adding after the public release of the agenda, it can be added under additions to the agenda at the meeting by the Mayor or any two (2) individual Councilmembers with a simple majority vote.

## **CITY MANAGER – PERFORMANCE REVIEW**

Current City Manager contract approved December 10, 2018 to include the following:

### Background

The position of City Manager is one of the two positions that report to the City Council as documented in Section 3.7, 3.8, and 3.10 of the City Charter. City Council is thus responsible for the hiring and firing of individuals in the positions of the City Manager and City Attorney, as well as for personnel practices regarding an incumbent in the position of City Manager.

### Annual Review

The current City Manager's contract requires that the City Council annually review the performance of the City Manager. As a matter of Policy, this review shall take place in the month of August each year.

### Closed Session

It is desirable that the City Manager and City Council members are candid with one another, therefore under the Open Meetings Act this review may be held in Closed Session upon written request of the City Manager.

## **COUNCIL ACCESS TO INFORMATION**

As approved by City Council on August 12, 1991 by resolution, City Council members and/or individual members shall be given access to and provided with any and all requested information, through the office of the City Manager or City Attorney, where appropriate, about matters directly or indirectly affecting the City of Madison Heights or pertaining to the activities of the City Administration; provided, however, in the event that the City Manager and/or City Attorney determine that the requested information is of a particularly "sensitive" nature, said information shall be available only to Council as a whole body upon majority vote.

## COMPUTER PROGRAM AND EQUIPMENT POLICY

Each City Councilmember shall be assigned a laptop computer equipped with the software and hardware determined as necessary by the City's Information Technology department for their use in conducting City business and attendance at meetings. This computer will be maintained by the City's Information Technology department who will setup and trouble shoot any issues. City Councilmembers do have the right to utilize their personal equipment, if they so choose.

City Council members have the right to operate and use this equipment until such time that the Council Member is no longer a member of Council. At that time computers and equipment shall be returned to the City within 15 days unless the option to purchase is exercised.

Upon the separation of office, the Councilmember shall have the option to purchase the computer and equipment provided by the City. This option price shall be based upon the purchase price paid by the City for said computer and equipment, plus shipping and handling charges paid by the City, minute depreciation of the Computer and Equipment as determined by the applicable Michigan State Tax Commission (STC):

### Depreciation schedule for computers

Number of Years from purchase of Equipment	Value at Year-End as % of Purchase Price
Less than 1 year	100%
1	80%
2	60%
3	50%
4	30%
5	20%

The Council members agree to protect said Computer and Equipment from any loss, theft, destruction or damage of it's beyond repair. In the event of such loss, the Council Members shall notify the City promptly and hold the Computer or equipment of any wreckage thereof available to the City for disposal.

The computer equipment shall be used by the Council member. Any other use is prohibited unless the Council Member first obtains the written consent of the City as herein defined. The Council member may use and operate the computer equipment for any matter pertaining to City business and/or City affairs and for any other purpose not otherwise restricted or proscribed herein. The Council member shall use and operate said computer equipment in compliance with all applicable Federal laws, State statutes and City ordinances including any rules and regulations pertaining to the same. The Council member shall NOT use or

operate said computer equipment to view, depict, display or engage in any act proscribed or prohibited by Chapter 17, Article VI, Division 2 of the Code of Ordinances of the City of Madison Heights entitled "Pornography", or any similar Federal or State statute regulating the same. The Council member shall NOT use or operate said computer equipment to view, depict, display or engage in any act proscribed or prohibited by Michigan Compiled Laws (MCL) 750.147b, or any similar Federal or State statute regulating the same and/or engaging in any activities in the use or operation of said Computer Equipment which violate the rights of another person based upon race, color, religion, gender or national origin.

Further, the Council member shall NOT use or operate said computer equipment for any disorderly, indecent, immoral and/or illegal act or conduct in violation of any Federal Law, State statute or City ordinance, including any rules and regulations pertaining to the same, all of which is hereinafter referred to as "Prohibited Material". This restriction regarding "Prohibited Material" includes but is not limited to any material used and/or obtained by downloading, uploading and/or installation of standalone software in any form or in connection with any on-line service, internet, gopher site, FTP site, bulletin Board, listserv, electronic mail, newsgroups or chat room.

#### Computer Use and Open Meeting Act

The Councilmember shall not use or operate said computer equipment, either by electronic mail, bulletin board, newsgroup, chat room, social media or by any other electronic method, for any purpose in violation of the Open Meetings Act 1976 P.A. 267, as amended, being specifically Michigan Compiled Laws (MCL) 15.261 et. seq.

#### Computer Use and Freedom of Information Act

The Council Member shall not use or operate said computer equipment, either by electronic mail, bulletin board, newsgroup, chat room, social media or by any other electronic method, for any purpose in violation of the Freedom of Information Act, 1976 Public Act 442, as amended, being specifically Michigan Compiled Laws (MCL) 15.231, et. seq.

#### Computer Use and Elections

The Council member shall not use or operate said computer or equipment or any City property to campaign for their re-election to the office or another City or non-City office, to campaign for the re-election of any incumbent Council member to the office or another City or non-City office, or campaign for the election of a non-incumbent candidate for Mayor or Council. However, nothing herein shall prevent any Council member from using another computer or computer system not owned by the City for these purposes. Any other use or operation of the computer equipment by the Council member, not otherwise prohibited or restricted herein, including but not limited to any electronic transactions, shall remain the sole obligation and responsibility of each respective Council member.

**Ownership**

The computer equipment is, and shall at all-time remain, the sole and exclusive property of the City. The Council member shall have no right, title, or interest in it except as expressly set forth in this Policy.

## **DENTAL INSURANCE COVERAGE**

Per Council policy approved April 13, 1998, City Council members may participate in the dental insurance benefits offered to active employees at the Councilmembers expense and the individual (single) option, as follows:

1. The benefit should extend only while the individual serves on Council.
2. The Council member will be responsible for reimbursing the City the full monthly premiums plus 2% for administration.
3. If an individual leaves Council before payment of all premiums owed for dental insurance, premiums would be deducted from the Councilmember final check.

## **HOSPITALIZATION INSURANCE COVERAGE**

As approved by City Council on August 23, 2004, City Councilmembers may participate in the hospitalization plan offered to active employees.

1. The benefits are extended only while the individual serves on City Council for the individual Council member.
2. The Council member will be responsible for reimbursing the City for the full premium plus 2% for administration.
3. Payment must be received by the 25<sup>th</sup> of the month before ensuring coverage for the following month.
4. If the individual leaves Council before payment for all premiums owed for hospitalization insurance said, premiums would be deducted from the Councilmember's final check. If the payroll deduction from the final check is insufficient to cover the premium, the Council member will be responsible for paying the difference.

## **COUNCIL USE OF CITY LETTERHEAD**

The primary use of City letterhead is to communicate official City business and, therefore, typically handled by staff.

Individual Council members may use City letterhead in correspondence on all matters concerning official City business. However, when using City letterhead, it should be made clear that any opinion expressed by individual Council members is that member's opinion only, and not the official opinion of the City or the City as a whole. Further, State laws prohibit the use of letterhead to campaign for yourself or any other candidate.

## EXTERIOR PLACEMENT OF FLAGS

Adopted by City Council September 12, 2022.

### **RESOLUTION OF THE CITY OF MADISON HEIGHTS CITY COUNCIL REGARDING THE DISPLAY AND PLACEMENT OF FLAGS ON CITY-OWNED FLAG POLES OUTSIDE AND/OR INSIDE OF CITY-OWNED BUILDINGS**

The Madison Heights City Council determines that the display and placement of flags, on City-owned flag poles, outside and/or inside of City-owned buildings, constitutes government speech only and is not designated or intended as a public forum or limited public forum; and,

The Madison Heights City Council determines that the display and placement of flags, on City-owned flag poles, outside and/or inside of City-owned buildings conveys the policies and values of the City government and has the potential to affect the image and perception of the City;

NOW, THEREFORE BE IT RESOLVED that the City of Madison Heights City Council determines:

1. This is the policy governing the display and placement of flags, on City owned flag poles, outside and/or inside of City owned buildings and shall supersede all other policies related to flags previously adopted by City Council.
2. The City of Madison Heights may display the United States flag, the State of Michigan flag, the City of Madison Heights flag, and City Departmental flags on City owned flag poles, outside and/or inside of City owned buildings.
3. The City of Madison Heights may also display any flag that, within the last five (5) years from the date of this Resolution, the City has flown on City owned flag poles, outside and/or inside of City owned buildings, any flag that Oakland County has flown on the flag poles outside of the Oakland County Executive and Courthouse Complex in Pontiac, Michigan, any flag that the State of Michigan has flown on the flag poles outside of the State Capitol Building in Lansing, Michigan, or any flag that the U.S. Government has flown on the flag poles on or outside of the White House in Washington, D.C., including but not limited to the POW/MIA flag, the Juneteenth flag and the Pride or Progressive Pride flag.
4. Other governmental flags meeting the above criteria, but not specifically named in paragraph three (3), shall be considered for approval by a committee consisting of the City Manager, Chief of Police, Fire Chief and City Attorney with a right of appeal to City Council, if not approved by the committee.
5. The City of Madison Heights shall honor all the flags, displayed or placed on City-owned flag poles, outside and/or inside of City owned buildings, in compliance with national and state protocols for flag display and etiquette.

6. This policy pertains to the display and placement of flags, on City owned flag poles, outside and/or inside of City owned buildings, and constitutes government speech, only and is not designated or intended as a public forum or limited public forum.
7. Further, nothing herein is intended to prohibit or prevent people, groups, or organizations from bringing, using, and waiving their own flags at events held at City owned parks or on City owned property.
8. If any section or portion of this Resolution is determined to be invalid, unlawful, or unconstitutional, it shall not be held to impair the validity, force, or effect of any other section or part of this Resolution.



## **SOCIAL MEDIA POLICY FOR ELECTED OFFICIALS**

Adopted by City Council 9/27/21.

In the interest of promoting an open, transparent government with the public and preventing any potential censorship of First Amendment protected forums and speech, the City Council of Madison Heights adopts this Social Media Policy for Elected Officials applicable to each Councilmember. The term "social media" is defined as websites and digital applications where people create, share and exchange content and ideas through Internet networks and virtual communities. Examples of social media websites and applications include, but are not limited to, Facebook, Instagram, LinkedIn, Reddit, TikTok, Twitter, and YouTube.

Any social media account that a Councilmember utilizes for engaging with constituents or discussing matters related to City business will not restrict access in any capacity to the public, including blocking or banning people.

Councilmembers shall not use social media as a mechanism for conducting official City business and it will be used exclusively for informal communications with the public.

Councilmembers shall be mindful of the risks of social media communications in regard to Michigan's Open Meeting Act and communication between members of the body on social media whether directly between one another or as part of a conversational thread among multiple parties should be strictly avoided.

Councilmembers' social media posts in their capacity as an elected official are the property of the State of Michigan therefore should not be deleted and must be maintained in compliance with the City's record retention schedule.

Councilmembers shall conduct themselves on social media with the same professionalism and decorum as if they were communicating with the public while attending a Council meeting.

Councilmembers shall not share non-public or confidential information related to City business and operations.

If a Councilmember makes a mistake or error in a communication, it shall be corrected as soon as the official is made aware of it.

Councilmembers shall not use official City of Madison Heights social media sites for campaigning purposes.

Councilmembers will abide by any rules or policies applicable to City employees when engaging in the use of social media.

A Councilmember may be censured by the body for violations of this Social Media Policy.

Council shall conduct a biennial review and renewal of this Social Media Policy for Elected Officials.

## PARK/FACILITY NAMING POLICY

Amended by City Council: February 13, 2023

**Purpose:** The purpose of this policy is to establish a set of standard procedures and guidelines for the naming and renaming of parks, recreational areas and facilities owned and/or operated by the City of Madison Heights. This policy will guide name recognition and establish its uniform application. It is realized that responsibility for naming city parks, recreational areas and facilities lies with the City Council.

The City Council rely on input and recommendations by a City Boards, City Staff, City Councilmembers for the naming city parks, recreational areas, fields, and facilities.

### **Policy Objectives:**

- Assure the quality of the title/name, so that it will serve the purpose of the city in a permanent manner.
- Encourage public participation, careful review, and input in order to fully represent the best interest of the area affected.
- Encourage and recognize the dedication of lands, or donations by individuals or groups.

### **Criteria for areas that Qualify for Naming:**

- An outstanding feature of the area. (example: park, building, green space, pavilion)
- Commonly recognized subjects of historical significance such as: event, group, culture or place.
- A person or group who significantly contributed to the acquisition or development of the park/facility.
- A person, living that has contributed extraordinanry service or no less than ten years to the sevices of the City.
- Naming may be considered based on the provision of significant funding (more than 50% total project cost) that underwrites the cost of renovation or construction of city property. Financial underwriting shall be broadly defined as substantial monetary contributions that completely or significantly enable city projects such as parks, buildings or property acquisition to occur. This may include monetary gifts and/or grants that leverage federal, state and local funding for such projects or complete donation of land. In the event that a significant amount of money is donated, the character of the deceased will be investigated as appropriate.
- Parks and facilities that are donated to the city can be named by deed restriction by the donor. The naming and acceptance of land is subject to approval by the City Council.
- Naming may not conflict with public grant funding policies established by state and/or federal grant funding programs.

### **Exclusions:**

- Cumbersome, corrupted or modified names, profane, discriminatory or derogatory names related to age, race, religion, creed, national origin, sex, color, marital status, disability, sexual orientation, political affiliation or other similar categories.
- Names that cause confusion due to duplication or that sound too similar to existing named locations within the City or surrounding areas.
- Names of companies whose business is substantially derived from the sale of alcohol, tobacco, marijuana, firearms, pornography, and/or other practices considered unsuitable or inappropriate.
- Names of appointed or elected officials currently in office or current City employees. The reuse of former facility names other than for a reconstruction of the same facility in the same location.
- Names that would result in the overt commercialization of City facility.
- The dedication of small park amenities with an identifiable lifespan and not intended to be permanent such as fixed park benches and tables can be dedicated to but not named.

### **Renaming:**

The intent of naming is for permanent recognition. The renaming of parks and facilities is strongly discouraged. It is recommended that efforts to change a name be subject to the most crucial examination so as not to diminish the original justification for the name or discount the value of the prior contributors. Parks named for subjects, other than individuals, may be changed in name only if the current name is ineffectual or inappropriate.

### **Procedure:**

- Staff, City Boards, city residents, community leaders and organizations interested in proposing a name for a park, recreational area, or facility must submit written recommendations, petitions, etc. for presentation to the City Manager for consideration by the City Council.
  - Recommendations need describe in detail why the candidate merits such recognition. All such recommendations shall be submitted no later than November of each year for Council consideration during upcoming council workshops (typically in March).
  - Preferred practice it so approve or consider no more than one naming a year with other recommendations deferred for future consideration.
- When naming after a person or persons, written documentation of approval by next of kin to be honored (if available/possible) is required as part of the proposal.
- The City Manager shall forward naming recommendations to the City Council with all provided backup and justification.

- The City Council shall allow for public input and comment at a public hearing prior to taking formal action on the recommendation.
- The City Council will confirm park, recreation areas and facility names by resolution.
- The City Council has final approval and may reject any naming or renaming request.

## **SUMMARY OF ROBERT'S RULES OF ORDER** **PARLIAMENTARY PROCEDURE**

The Madison Heights City Council and City Boards and Commission follow Robert's Rules of Order as a Parliamentary procedure.

The method used by members to express themselves is in the form of moving motions. A motion is a proposal that the entire membership takes action or a stand on an issue. Individual members can:

1. Call to Order.
2. Second Motions.
3. Debate Motions.
4. Vote on Motions.

### How are Motions Presented?

1. Obtaining the floor
  - a. Wait until the last speaker is finished.
  - b. Rise and address the Chairman by saying "Your Honor or Mayor."
  - c. Wait until the Chairman recognizes you.
2. Make Your Motion.
  - a. Speak clearly and concisely.
  - b. Always state a motion affirmatively. For example, say: I move that we..." rather than, "I move that we do not..."
  - c. Avoid personalities and stay on your subject.
3. Wait for someone to second your motion.
4. Another member will second your motion, or the Chairman will call for a second.
5. If there is no second to your motion, it is not considered.
6. The Chairman states your motion.
  - a. The Chairman will say, "it has been moved and seconded that we..." Thus placing your motion before the membership for consideration and action.
  - b. The Mayor will ask the membership if there are any comments/discussion then either debate on the motion or move directly to a vote.
  - c. Once your motion is presented to the membership by the chairman, it becomes "assembly property." Therefore, you cannot change it without the consent of the person that seconded the original motion.

7. Discussion on Your Motion.

- a. Discussion on a topic occurs only after there is a motion to be considered.
- b. Before speaking in debate, Council members must be recognized by the Mayor.
- c. A time for you to speak in favor of your motion is at this point rather than when you present it and debate must be confined to the merits of the motion
- d. The mover is always allowed to speak first.
- e. All comments and debate must be directed to the Mayor.
- f. Keep to the time limit for speaking that has been established.
- g. The mover may speak again only after other speakers are finished unless called upon by the Chairman.

8. Putting the Question to the Membership.

- a. The Mayor may Call the Question or may ask, "Are there any more questions/comments on the motion or are you ready to vote on the question?"
- b. The Mayor repeats the motion requesting that all those in favor say "aye" and those opposed say "nay"
- c. A vote is taken and the Mayor announces the result of the vote.

9. Voting on a Motion.

There are two methods used to vote by most organizations, they are:

- 1. By Voice—The Mayor asks those in favor to say, "aye," those opposed, "nay." Any member may move for an exact count.
- 2. By Roll Call—Each member answers "yes" or "no," as their name is called. This method is used when a record of each person's vote is required.

Below is the “Roberts Rules Cheat Sheet” and “How to Accomplish What You Want to Do in Meetings” for further reference:

**ROBERTS RULES OF ORDER CHEAT SHEET <sup>1</sup>**

To:	Suggested Wording:	Can I Interrupt Speaker?	Is a Second Needed?	Is it Debatable?	Is It Amendable?	Votes Needed to be approved:
End the meeting	“I move that we adjourn”	No	Yes	No	No	Majority
Temporarily recess the meeting	“I move that we recess until ____”	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	“Point of Privilege”	Yes	No	No	No	Chair decides
Table something indefinitely	“I move that we table it”	No	Yes	No	No	Majority
End debate	“I call the question”	No	Yes	No	No	2/3
Postpone something to a specific date	“I move that we postpone this matter until ____”	No	Yes	Yes	Yes	Majority
Replace the original motion with a new motion	“I move that we substitute the motion with the following motion...”	No	Yes	Yes	Yes	Majority
Amend a motion	“I move that this motion be amended by ...”	No	Yes	Yes	Yes	Majority
Make a motion	“I move that...”	No	Yes	Yes	Yes	Majority

The above motions and points are listed in order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce one that is listed above it.

Withdraw Your Motion	“I move to withdraw the motion”	No	No	No	No	Unanimous Consent
The above motion is Incidental to the original motion and must be considered before the other motion.						

## **PROCEDURE FOR HANDLING A MAIN MOTION**

**NOTE:** Nothing goes to discussion without a motion being on the floor.

### **Obtaining and assigning the floor**

A Council member states “Your Honor, or Mayor”

- The Mayor or Acting Mayor recognizes the member by name.

### **How the Motion is Brought Before the Assembly**

- The member of Council makes the motion: I move that (or "to") ...
- Another Council member seconds the motion: I second the motion or / second it or second.
- The Mayor states the motion: It is moved by Councilman/woman X and seconded by Councilman/woman Y that... Are there any comments/questions?
- If there is no second, the motion is not considered.
- Chairs are allowed to make motions under Roberts Rules of Order (RRO)

### **Consideration of the Motion**

- Council members can debate the motion.
- Before speaking in debate, Council members must be recognized by the Mayor
- The maker of the motion has first right to the floor.
- Debate must be confined to the merits of the motion.
- Debate can be closed only by 2/3 vote of Council or by the Mayor if no one seeks the floor for further debate.

### **The Mayor puts the motion to a vote**

- The Mayor asks: Are there any more questions/comments on the motion? If no one requests the floor, the Mayor proceeds to take the vote.
- The Mayor says: The motion is (repeats the motion). All those in favor say “Aye”. (Pause for response.) Those opposed, say 'Nay'. (Pause for response.)
- The Mayor announces the result of the vote.
  - The ayes have it, the motion carries, or
  - The nays have it and the motion fails

## **HOW TO ACCOMPLISH WHAT YOU WANT TO DO IN MEETINGS**

## MAIN MOTION

You want to propose a new idea or action for the group.

- After recognition by the Mayor, make a main motion.
- Council member: "Mayor or Your Honor, I move that \_\_\_\_\_."

## AMENDING A MOTION

You want to change some of the wording that is being discussed.

- After recognition, "Mayor/Your Honor, I move that the motion be amended by adding the following words."
- After recognition, "Mayor/Your Honor, I move that the motion be amended by striking out the following words."
- After recognition, "Mayor/Your Honor, I move that the motion be amended by striking out the following words and adding in their place the following words."

## SUBSTITUTE A MOTION FOR THE ORIGINAL MOTION

You do not like or disagree with the original motion and you want to replace it with another.

- After recognition, "Mayor/Your Honor, I make a substitute motion that..."
- This motion requires a second
- If the substitute motion is seconded, the Mayor opens debate on the substitute motion.
- Once debate is ended, the Mayor repeats the Substitute Motion and puts the substitute motion to a vote.
- If the substitute motion is approved, the Original Motion is not considered.
- If the Substitute Motion fails, the Original Motion is then put to a vote by the Mayor.
- A second Substitute Motion can also be made on the first Substitute Motion. The second Substitute Motion is voted on first.

## LIMIT DEBATE

You think discussion is getting long, but you want to give a reasonable length of time for consideration of the question.

- After recognition, "Mayor/Your Honor, I move to limit discussion to two minutes per speaker."

## **END DEBATE**

You think discussion has gone on for too long and you want to stop discussion and vote. (It requires 2/3 vote approval to call the question)

- After recognition, "Mayor/Your Honor, I move to call the question."

## **TABLING AND POSTPONING MOTIONS**

There are three ways to end consideration and debate of a motion without taking action on the matter each of which require a Second:

### **TABLE**

A motion to table has no set time for taking the matter up again, but is meant to be only a short temporary delay with the question to be taken up again at a meeting in the very near future. When a motion is tabled Council must vote to remove the item from the table before taking substantive action on the item. There is no debate of a Motion to Table. The Mayor may ask the presentor of the motion to state a reason for wanting the matter tabled before a vote is taken.

After recognition, "Mayor/ Your Honor, I move to table the current question."

### **POSTPONE DEFINITELY**

A motion to postpone definitely moves consideration of the question to a specific meeting, timeframe or event. For example, the maker of the motion could have the matter moved to a date certain when the Council is meeting or to an event such as City Staff having a presentation prepared to report on. Debate on this motion is only on whether or not to postpone to date certain not on the content or the merits of the main question requested to be postponed.

After recognition, "Mayor / Your Honor, I move to postpone to (give date or event) the question.

### **POSTPONE INDEFINITELY**

A motion to postpone indefinitely will have Council take no further action until the end of the term. Upon the seating of a new Council the motion that is postponed indefinitely dies. This essentially kills the main motion under consideration by the Council.

After recognition, "Mayor/Your Honor, I move to postpone indefinitely the question."

### **PERMISSION TO WITHDRAW A MOTION**

You have made a motion and after discussion, you do not wish to pursue the motion.

- After recognition, "Mayor/Your Honor, I ask permission to withdraw my motion."

## **RECESS**

You want to take a break for a while.

- After recognition, "Mayor/Your Honor, I move to recess for \_\_\_\_ minutes."

## **ADJOURNMENT**

You want the meeting to end.

- After recognition, "Mayor/Your Honor, I move to adjourn."
  - While not required by RRO, it is recommended to have a motion and second to adjourn a public meeting since, due to notice requirements, it is a final act and the chair wants to be assured that everyone is aware the meeting is being adjourned.

1 Source: Roberts Rules Cheat Sheet Malloy.edu