

Boards and Commissions Handbook



CITY OF
**Sterling
Heights**

Innovating **Living**

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Welcome from Mayor Michael C. Taylor



Mayor and City Council

City Council, from left Councilman Michael V. Radtke Jr., Councilwoman Maria G. Schmidt, Mayor Pro Tem Liz Sierawski, Mayor Michael C. Taylor, Councilwoman Barbara A. Ziarko, Councilwoman Deanna Koski, Councilman Henry Yanez

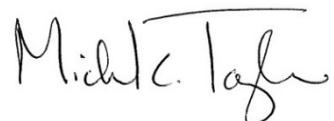
On Behalf of the City Council,

I would like to congratulate you on your appointment to a City of Sterling Heights Board, Commission, Committee or Authority.

Sterling Heights is a vibrant and growing community, thanks to the dedication and talents of volunteers like you. Our boards and commissions are comprised of passionate members and it shows through the impact their leadership has had on the community.

As a member, you will play an important role in providing counsel and recommendations to city government on many issues. During your term, you will also have the unique opportunity to share your expertise among other members that share the same interest in helping to shape the future of our community for existing, as well as future residents and businesses.

Once again, welcome and congratulations. We appreciate your commitment to public service and the City of Sterling Heights and look forward to working with you.

A handwritten signature in black ink that reads "Michael C. Taylor". The signature is fluid and cursive, with "Michael" and "C." being more stylized and "Taylor" being more like a standard signature.

You've Been Appointed... Now What?

- Introduction
- Appointment Process

“Throughout my life, I've seen the difference that volunteering efforts can make in people's lives. I know the personal value of service as a local volunteer.”

-Jimmy Carter

39th President of the United States

Introduction

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Sterling Heights has many boards and commissions that play a crucial role in all aspects of city government. From hosting events celebrating culture and arts to recommending policies focused on sustainability to improving the City's appearance through public art and beautification efforts, each board and commission is unique; yet members share certain common responsibilities.

This handbook was created to assist you in the process of gaining a general understanding of your role and responsibilities as a member of a board or commission. It is meant to serve as a general guideline, however, information specific to your appointed board is available through your staff liaison. If you have any questions, feel free to contact Michelle Bereza-Deming or Meghan Ahearn at mdeming@sterling-heights.net and mahearn@sterling-heights.net.

We look forward to working with you! We encourage you to attend and actively participate in meetings. Together, we can effectively work to keep Sterling Heights "a vibrant, inclusive community for residents and businesses that is safe, active, progressive and distinctive."

Thank you for your willingness to make our community even better. We hope you enjoy your term as a board or commission member and appreciate your service.

Appointment Process

Application Submission

Applications are accepted throughout the year, but are not considered until a vacancy occurs. Individuals who are interested in serving on Boards and Commissions or other volunteer opportunities may apply online via the City's website at www.sterling-heights.net. Applications should be submitted 13 days prior to City Council consideration.

Application Process

Prior to appointment review, considered applicants will be contacted by a City staff member. Applicants under consideration will appear on the public agenda at which time the City Council will review recommendations, may make nominations, vote on appointments or postpone the appointment until another meeting date. A majority vote of the City Council is required to confirm an appointment.

New Appointment

The appointee will be notified of their appointment and given further appointment information. New members will be required to attend orientation at City Hall during which time all required documents will be filled out and submitted, including taking the Oath of Office. Orientation will take place within the first two weeks after appointment.

Before the first meeting, it would be beneficial for the appointee (member) to become more familiar with their specific Board or Commission. A valuable source for this and information about Sterling Heights is the City's website, www.sterling-heights.net. Previous meeting agendas, minutes, videos, and a list of current Board and Commission members can be viewed on the website. In addition, reviewing the by-laws (if established), will assist in learning more about the structure of the Board or Commission. Members will also be provided supplemental information by their liaison.

Reappointments

Prior to a term expiring, the member will be contacted and asked if they would like to be reappointed. If the individual is interested, they will have had to respond indicating their continued interest to serve. All reappointments must be confirmed by City Council action. Reappointed members will be required to take a refresher orientation during which time they will take their Oath of Office.

Resignation

A Board or Commission member wishing to resign shall submit an e-mail or letter of resignation to their liaison stating the effective date of resignation. Once submitted and acknowledged, a letter of resignation may not be withdrawn. The City will immediately begin vetting applicants to fill the vacancy.

2030 Visioning Statement and Guiding Principles

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In 2014, the City of Sterling Heights adopted its 2030 Visioning Plan in an effort to plan for a prosperous future. The plan now serves as a guide to City staff in all short and long-range planning initiatives

2030 Vision Statement

A vibrant, inclusive community for residents and businesses that is safe, active, progressive and distinctive. Sterling Heights – a bold vision for an exceptional quality of life.

Guiding Principles

- Safe, Well Maintained and Desirable Neighborhoods Enhanced by Great Schools
- Plentiful Leisure and Recreation Opportunities Featuring Fully Utilized Parks
- Abundant Pathways for Biking and Walking
- Focal Points that are Both Public and Private to Serve as Destinations for Residents and Visitors
- Well Maintained and Aesthetically Pleasing Roads and Green Spaces
- Successful, Vibrant and Attractive Commercial Centers with Unique Offerings
- Destination for High-Tech and Emerging Industries and Entrepreneurs

How Does the City Work?

- City Operations
- Staff Roles and Responsibilities



City Operations

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Council-Manager Government

The City of Sterling Heights is a professionally managed organization operating under what is commonly referred to as a Council-Manager form of government. It was established in 1968 when the City was first incorporated as a municipality. This form of government combines the strong political leadership of elected officials in the form of a governing body, known as City Council, with the strong managerial experience of an appointed local government manager, known as the City Manager.

Citizens of the City elect six qualified residents to serve as the City Council and one resident to serve as Mayor. In Council-Manager government, the Mayor and City Council are the leaders and policy makers elected to represent the community and to concentrate on policy issues that are responsive to citizens' needs and wishes. The City Manager is appointed by the governing body to carry out policy and the required day to day administrative functions.



City Council

The City Council is the governing body of the City and consists of the Mayor and six Council members elected at large. In addition to specific direction given to the City administration at City Council meetings, workshops or special meetings, City Council also adopts goals and objectives which describe in general terms what types of services and environment the City should provide for its residents.

It is important to note that City Council acts as one entity. No member has any extraordinary powers beyond those of other members. While the Mayor and Mayor Pro Tem have some additional responsibilities, the Mayor and Council members are collectively and equally responsible for establishing policy, adopting a budget, and hiring and directing the City Manager and City Attorney.

Mayor

The Mayor presides at all City Council meetings and is recognized as the executive head of City Government for all ceremonial purposes and as required by the state statute. The Mayor is the City's official designee to sign documents and enter into contracts. As presiding officer of City Council, the Mayor is the spokesperson for the Council majority on matters of policy.

Mayor Pro Tem

The City Charter states that the Mayor Pro Tem shall be that person who received the greatest number of votes in the City Council election. The Mayor Pro Tem shall perform the duties of the Mayor during the Mayor's absence and/or disability.

City Manager

The City Manager is the Chief Administrative Officer of the City appointed by the Mayor and the City Council. Some responsibilities include oversight of the day to day operations of the City, enforcement of City ordinances, recommendation of policy issues to the City Council, and preparation of an annual budget for the Council's review and approval.

City Attorney

The City's chief legal counsel is the City Attorney, who is appointed by the City Council. Retaining a City Attorney allows the City to utilize the attorney's law firm and support staff for municipal purposes. The City Attorney may also attend Board and Commission meetings to provide guidance.



Staff Roles and Responsibilities

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Equal Treatment of Appointed and Elected Officials

All members of Boards and Commissions will receive the same information about a matter as their fellow members, particularly as it relates to business items for consideration as a body. No one will receive different or special information that would tend to put one member at an advantage over the others.

Liaison Contact

All Boards and Commissions are assigned a liaison who serves as a primary contact for members. Concerns, questions or requests for information, etc. should be made through the liaison and not to other department heads, directors or staff. This action will allow the liaison to always be aware of what is going on and properly determine which departments should be involved, if necessary. The liaison may not permit any activity that the City Manager or City Council does not condone and/or is not in the best interest of the community. This applies to all municipal staff, administrators, and Board and Commission members.

Boards and Commissions Management Services Specialist

This City staff member oversees the daily operations of Boards and Commissions. Their duties include, but are not limited to, managing current members and applicants, organizing orientations and training, assisting with recruitment efforts and filling vacancies, managing the Boards and Commissions database, and streamlining communication between liaisons and members.

City Staff

There are specific City staff members that serve the important role of ensuring that the work of Boards and Commissions reflect community goals and they stay focused on their mission. The staff members assigned to Boards and Commissions gather information, make analysis and recommendations, and take care of administrative details. In addition, they provide the necessary support and resources for Boards and Commissions to make informed policy recommendations to City Council. For example, City staff may smooth the transition by providing organizational knowledge to new members and moving the process forward.

City Clerk

The City Clerk is the local official who is responsible for many processes such as access to City meetings, elections, records management, and passports. This position also ensures transparency to the public by administering State, Federal, and local statutes. The City Clerk maintains and/or records the City documents such as boards and commissions meeting minutes, bids, summonses, lawsuits, legal documents, property variances, deeds, and birth and death certificates. In addition, the City Clerk's Office is responsible for many diverse functions of the City acting as both an internal and external office.

What is Expected of Me at My Board's Meetings?

- Professional Conduct Guidelines
 - Member Relations
 - Ethics and Code of Conduct
- Guidelines for Productive Meetings
 - Conduct at Meetings
 - Building the Foundation for Teamwork



Professional Conduct Guidelines

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Board and Commission members have an unique opportunity to have a voice in their local government. However, with this opportunity comes responsibility to represent and make decisions for the betterment of their community.

The following are some suggestions and expectations to assist members in their role:

- Remember that Board and Commission Members Represent the City as a Whole
- Become Familiar with Their Board or Commission By-Laws
- Get to Know Their Fellow Board and Commission Members
- Arrive to Meetings On Time
- Be Prepared for Meetings
- Attend and Actively Participate in Meetings
- Avoid Supporting Single Issues or Pursuing a Personal or Private Agenda
- Ask Questions
- Make Suggestions
- Lead by Example
- Make Unbiased Decisions
- Keep an Open Mind
- Stay Active and Seek Out Additional Volunteer Opportunities of Interest

Meeting Attendance

Whether it's collaborating on innovative plans for future development, promoting diversity and cultural awareness, or providing consistent and fair decisions for a variety of appeals, members will be making decisions and offering suggestions on how to improve the quality of life for City residents and businesses. Regular meeting attendance will give members the opportunity to consistently collaborate with others and assist in positively impacting the community.

To assist with ensuring that meeting attendance is being met, the City has adopted an Administrative Policy and Procedures Order. The following is to serve as a general guideline:

The Administrative Policy and Procedures Order found in Appendix A states in part, "In the case of a board, commission or authority with regular meetings scheduled at least once a month, three meeting absences in a ninety (90) day period shall result in the City Clerk mailing a notice of default to the member's address of record in the form provided as Attachment B. In the case of all other boards, commissions, or authorities, two (2) consecutive meeting absences shall result in the mailing of a notice of default."

Please see Appendix A for the Administrative Policy and Procedures Order. Members may also contact their liaison for further information regarding attendance.

If a change in personal circumstances makes it difficult for a member to attend a meeting, they should contact their liaison, as soon as possible.

Meeting Attire Guidelines

In representing the City on a Board or Commission, professionalism is conveyed to the public not only by the demeanor in discussion and debate, but in public appearance. Therefore, unless otherwise expressed, business casual attire is expected of all members.

A member who is unsure of what is appropriate attire should consult with their liaison.



Member Relations

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Representing the City

Board and Commission members should not commit the City to positions without vote or consent of City Council. This includes individually initiating contact with developers, involvement in negotiations, etc. It is considered inappropriate to promise things that City Council may not be prepared to deliver.

Receiving Inquiries from Citizens

If a member receives a citizens' inquiry, it is recommended that they notify their liaison and not wait to bring up the matter at a regular meeting. For example, inquiries concerning enforcement issues may require the liaison to seek further assistance from staff for investigation and resolution. Inquiries should be submitted in an objective way so that all sides of the matter can be reviewed constructively.

Collaborating with Fellow Members

Collaboration among fellow Board and Commission members is vital to their success. When trying to create consensus around objectives and goals, members should first try to demonstrate a willingness to objectively define issues and then work to reconcile opposing viewpoints. If opposition arises, it is the responsibility of members to collectively work together towards a resolution.

Media Relationships

Board and Commission members may be approached by the media for commentary about a position on a community issue. If so, members are asked to refer all media inquiries to their liaison. To the extent that City Council has taken an action or position, the Director of Community Relations will serve as spokesperson, unless someone else has been designated on that issue.

Role in Negotiations

The City participates in negotiations on a variety of subject matters, including labor negotiations with employee organizations, leases, development issues, land acquisitions, etc. Boards and Commissions, as a body and individual members, do not conduct negotiations, nor should they intercede in negotiations being conducted by the City.

Lobbying

Members may experience other Board or Commission members lobbying on issues outside of a meeting discussion. Many times this can be helpful to the political process. However, members lobbying staff is another matter. Behavior by members to influence City staff on issues that are under study or review for later consideration by the entire Board or Commission is inappropriate.

Ethics and Code of Conduct

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Board and Commission members have an opportunity to use their positions to contribute to the greater good of the public. Therefore, they should abstain from using their positions for personal gain.

The City's Code of Ethics applies to Board and Commission members. Please refer to Appendix B for a full explanation of what constitutes a conflict of interest and for other mandatory standards of conduct.



Ethics and Conduct

Prior to beginning their term, all Board and Commission members must acknowledge and sign an Oath of Office. By doing this, members agree to uphold all state and local laws applicable to the public body's jurisdiction.

All appointed members of a Board or Commission are required to adhere to the following Code of Conduct:

When appointed to a Board and/or Commission of the City of Sterling Heights, I will perform the duties of the office to the best of my ability and in accordance with the city's policies and procedures and the Charter of the City of Sterling Heights.

I will do my best to inform myself on matters of concern to the City of Sterling Heights and my specific board activities. I will try to attend all board meetings and to give careful consideration to the business of the board.

As a member of a board and/or commission of the City of Sterling Heights, I will disclose to the board any conflict of interest I may have on matters before it.

I will hold in confidence information obtained in my role as a board member and will use such information exclusively for City purposes. I will not take advantage of my office in my contacts with representatives of the public or private sector, with other associations or with the City staff.

Conflicts of Interest

A conflict of interest can occur when a member has a conflict between their personal interests and their public duties. It is simply a situation that exists and does not imply that a member is in some way dishonest or has done something wrong.

However, if a conflict occurs, it may tarnish the appearance of fairness and the public's trust that all decisions are being made for the public good. Therefore, members are obligated to avoid conflicts of interests between their family, business, or personal interests and the interests of the City. If a member feels they have a conflict of interest, they should notify their liaison.

Gift Acceptance

The City of Sterling Heights is proud of its reputation and ethical standards in the community. The accepting of gifts or other items of gratitude may lead to inappropriate business decisions, embarrassing or compromising circumstances, and create the view of favoritism between employees, developers, vendors, and residents. Therefore, members may not accept or solicit any form of gifts, favors, payment, gratuity, or other personal benefit relating to the performance of their responsibilities. This also includes services, loans, employment, money, items of value, and entertainment.

Guidelines for Productive Meetings

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Not all Boards and Commissions follow the same procedures for conducting meetings. Therefore, it is important for members to become familiar with what applies to their specific Board or Commission.

By-Laws

Some Boards and Commissions have by-laws that outline their rules and procedures. Becoming familiar with the by-laws specific to their appointment can help members in their decision making process. If available, members will receive a copy of the by-laws pertaining to their Board or Commission.

Robert's Rules of Order

Boards and Commissions may utilize the current edition of *Robert's Rules of Order* as a guide to parliamentary procedure and conducting meetings. It provides relevant rules governing matters of meeting and general procedures, including establishing by-laws, meeting structure, motions, and voting procedures. Becoming familiar with Robert's Rules of Order can assist members in leading fair and efficient meetings.



Parliamentary Procedure

Parliamentary procedure provides the process for proposing, amending, approving, and defeating legislative motions. It can help meetings to be more efficient and decrease the chances of actions being declared illegal or challenged for procedural deficient. The rules of parliamentary procedure shall govern the Boards and Commissions to which they are applicable, provided they do not conflict with City Ordinances, Charter, or other applicable laws.

Please see Appendix C for examples of Parliamentary Procedures.

Open Meetings Act

The City of Sterling Heights Boards and Commissions adheres to the Open Meetings Act ("OMA"). Therefore, all meetings are open to the public and held in a place available to the general public. If members are discussing or trying to reach a consensus on issues, it must be done so in an open meeting where a quorum of members is present. This law also requires the public notice of meetings and gives the public the right ability to review and copy meeting minutes.

Freedom of Information Act

Any documents relating to a Board or Commission are considered public records and copies may be requested according to the Freedom of Information Act. Examples of such documents include emails, minutes, and personal notes.

Types of Meetings

Boards and Commissions may have two types of meetings: regular meetings and special meetings. Regular meetings are scheduled as part of an annual calendar of meetings. Special meetings are typically scheduled by the liaison or chair and were not included in the annual calendar of meetings.

Meeting Agenda

A meeting agenda is an important document that details the order of a meeting and the topics that will be discussed. An agenda may include the following:

- Call to Order
- Roll Call of Members
- Approval of Agenda
- Approval of Minutes from Prior Meeting
- Communications from Citizens
- Unfinished Business
- New Business
- Adjournment

The liaison, Board or Commission chair, or other member may be responsible for creating and posting the agenda in advance of the meeting. Board and Commission meeting agendas can be viewed via the City's website.

Agenda Packets

Agenda packets contain the supporting documents relating to items on the meeting agenda and any materials given to members for their review. An online posting of a meeting's agenda packet can be viewed via the City's website.

Meeting Minutes

Meeting minutes for a Board or Commission details the discussions, actions, and motions proposed or voted on during a meeting. They are generally prepared by the liaison, Board or Commission secretary, or other member. Minutes serve as a record and may include information about the following:

- Date, Time, Place of Meeting
- Present and Absent Members
- Acceptance of or Amendments made to the Previous Meeting's Minutes
- Discussions made Regarding each Item on the Agenda

Meeting minutes are approved at the next meeting of the Board or Commission and any revisions should be made in an open session with approval of a majority of members. After which, the liaison or staff member will archive and post the meeting minutes for public viewing via the City's website.



Conduct at Meetings

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Board and Commission meetings are open to the public. During these meetings, the public will be permitted to have a reasonable amount of time to voice their concerns and opinions and Boards and Commissions will make decisions.

From time to time, members may be presented with many different views and must find balance among them. Members should keep in mind their obligation to represent a broad-based view of the community's interests and overall well-being.



Public Speakers

Many people presenting at a meeting may have never appeared before a public body. This experience can be intimidating and the act of public speaking can make people feel uncomfortable. However, there are actions that members can do to help speakers feel more at ease.

Members can help reassure speakers by:

- Welcoming and Addressing Them
- Remaining Calm
- Explaining the Meeting Procedures
- Paying Attention
- Actively Listening to What They are Saying
- Acknowledging Them

Treating Speakers with Respect

Whether it's the public, other Board and Commission members, or City staff, speakers should be treated with respect and given the time and courtesy of voicing their concerns. Typically, it is the responsibility of the meeting's Chairperson to oversee that meeting procedures are followed accordingly.

During meetings, members are encouraged to:

- Be Courteous and Actively Listen
- Treat other Members, the Public, and City Staff with Respect
- Be Clear in Making Points
- Do Not Interrupt Other Speakers
- Focus on Issues Rather than Personal Differences
- Treat Others as You Would Want to be Treated

Managing Conflict

The City of Sterling Heights is a vibrant diverse community.

From time to time, differences in opinion and even conflict may occur during a meeting. However, if managed properly, having both differences in opinion and conflict can result in a positive outcome.

Conflict can occur in either a competitive or a cooperative context. In a competitive context, the goals of the parties are so much in opposition that the probability of one side attaining its goals decreases as the probability of the other side attaining its goals, resulting in a “lose-win” situation.

In a cooperative context, the opposing parties have similar goals, and both parties are likely to attain their goals, resulting in a “win-win” situation. During a meeting, there are usually two or more views on the issue at hand, and a “win-win” situation is often not attainable. However, all conflict can be managed.

By understanding the dynamics of meetings and by mastering the skills of conflict resolution, members of Boards and Commissions can increase the probability that the meeting will result in a successful conclusion. When potential adversaries on an issue gather in one room, the possibility of uncontrolled conflict is very high. The role of the Board or Commission in the meeting is not to eliminate the conflict, but rather to guide the conflict to positive results. Members should strive for cooperation and the “win-win” solution, even if it is unattainable.

Electronic Communication

Members shall not engage in electronic communication with another member or a member of the public during meetings. Electronic communication is defined as an e-mail, text message, instant message, website or blog posting, or other form of communication transmitted or retrieved through the use of an electronic device.

Social Media

Prior to posting any online content relating to the City on social media, as a representative of the City or on the City’s behalf, it is recommended that members consult with their liaison. Social media includes, but is not limited to, social networking sites (i.e. Twitter, Facebook, TikTok, YouTube, etc.), online forums, blogs, and message boards.

Video Recorded Meetings

Some meetings of Boards and Commissions are recorded by the City and televised for public viewing. The approved rules of cable casting, as promulgated by the City Cable Communications Commission, shall apply to all meetings that are televised. However, no photographs, motion pictures, video tapes that require the use of flash bulbs, electronic flashes, flood lights, or similar artificial illumination shall be made by members at meetings without consent of the liaison.



Building the Foundation for Teamwork

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Teamwork

Teamwork is the key to effective Boards and Commissions, which includes agreeing on and taking actions that will move Sterling Heights towards its Vision plan. The appointment of a talented and dedicated group of individuals to Boards and Commissions is a major component of their success. However, when a local government Board or Commission reaches consensus or agrees on a goal or an approach, the team as a whole is greater than the sum of its parts.

Sometimes, Boards and Commissions teamwork seems more difficult than should be necessary. After all, individual members have specialized knowledge and were appointed for different reasons. Thus, it may be difficult to reach consensus or even keep meetings focused on the subject at hand. Nevertheless, the more that goals and missions are understood and clarified, the more likely individual members are to stay on track and focused.

The process of building a sturdy foundation for successful teamwork takes more than dedication and perseverance. Teamwork requires basic groundwork and demands that every member contributes to the process.

The following can assist members in establishing the foundation for successful teamwork:

- Understanding the City's Visioning Statement and Principles
- Becoming Familiar with the City's Organization of Operations
- City Goals and Objectives
- Staff Roles and Responsibilities
- Setting Board Goals
- Determining How to Accomplish Goals

Setting Goals

Once the Board or Commission has worked as a team to define and understand its role, setting short and long term goals becomes easier. Even if the Board or Commission has recently set goals, it is helpful to periodically review and revise them. With community priorities in mind, the Board or Commission can set clear and realistic objectives. Short term goals maintain current policy positions, while long term goals set the course for future work.

While guidelines for developing goals come from community input, setting specific goals as a team generates enthusiasm among members and establishes a feeling of ownership of the plans that are made.

The following summarizes the goal-setting process:

- Identify Problems and Needs
- Set Goals and Solve Problems
- Determine Objectives, Short-Term Targets
- Set Priorities – What Comes First?
- Define Action Programs
- Evaluate Program Results



Training

Regardless of a member's level of knowledge, training can benefit both the member and City by teaching skills needed to develop policies and processes that will positively effect the residents, businesses, and the City. Depending on the Board or Commission, members may be given the opportunity or required to attend additional training. This may include conferences, on-demand training, and/or workshop opportunities.

Conclusion

This handbook was presented to you to serve as a guide during your term as a Board or Commission member. It may not discuss all the details as related to your specific Board or Commission. Therefore, we encourage you to attend and participate in meetings.

Once again, thank you for your time and commitment to the City and Boards and Commissions of Sterling Heights. We look forward to working with you and hope you will take part in further volunteer opportunities that may be of interest to you.

If you have any questions, please do not hesitate to reach out and ask. Together we can achieve great things.

Have a great term!

Appendix A

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ADMINISTRATIVE POLICY AND PROCEDURE ORDER

Issued by Mark D. Vanderpool, City Manager

~ Policy guidelines for the employees of the City of Sterling Heights to ensure professional conduct and behavior including a listing of the City's expectations in the provision of orderly and cost efficient services to its citizens ~

SUBJECT: POLICY ON VACANCIES CREATED ON CITY BOARDS, COMMISSIONS, & AUTHORITIES

PURPOSE: *To establish guidelines for the orderly administration of vacancies created on city boards, commissions, and authorities in accordance with provisions of state law and the City Charter.*

STATEMENT OF POLICY:

City charter section 4.05 provides:

In addition to the other provisions of this Charter, a vacancy shall be deemed to exist on any board or commission [to] which members are appointed for a specific term of office, when such board member fails to qualify within ten (10) days after his appointment, fails to perform the duties of his office for a period of ninety (90) days, dies, resigns, is removed from office, moves from the city, is convicted by a court of competent jurisdiction of a felony, or of misconduct in office or is judicially declared to be mentally incompetent.

GUIDELINES

The following guidelines will be utilized to ensure that a proper determination is made as to the existence of a vacancy on a City board, commission, or authority and provide for the expedient appointment of a successor:

1. Failure to qualify within ten (10) days of appointment. The City Clerk shall, upon expiration of the ten (10) day period provided by City Charter for qualification, notify the appointee by sending a notice of default in the form provided as Attachment A. The City Clerk shall further proceed to place the appointment to fill the vacancy on a City Council meeting agenda within thirty (30) days from the date of vacancy.

2. Failure to perform the duties of office for a period of ninety days. The failure by a board, commission or authority member to perform the duties of office for a period of ninety days shall be determined on a case-by-case basis. Regular meeting attendance is necessary to the performance of duties of office. In the case of a board, commission or authority with regular meetings scheduled at least once a month, three meeting absences in a ninety (90) day period shall result in the City Clerk mailing a notice of default to the member's address of record in the form provided as Attachment B. In the case of all other boards, commissions, or authorities, two (2) consecutive meeting absences shall result in the mailing of a notice of default.
3. Vacancy due to resignation. Resignations by board, commission, and authority members shall be in writing and filed with the City Clerk [City Charter Section 4.08]. The City Clerk shall further proceed to place the appointment to fill the vacancy on a City Council meeting agenda within thirty (30) days from the date of vacancy.
4. Removal from office. The process for removing a member from a board, commission, or authority shall comply with the applicable provisions of state and local law. To the extent applicable, these guidelines will be followed in the process of removal from office. The City Clerk shall verify a vacancy resulting from the removal of a member through the appropriate public records. Upon verification, the City Clerk shall further proceed to place the appointment to fill the vacancy on a City Council meeting agenda within thirty (30) days from the date of vacancy.
5. Vacancy due to change in residency. To the extent that city residency is a requirement for qualifying for appointment and continuing service on a board, commission, or authority, the City Clerk shall verify a change of residency through public records. Upon verification of a change in residency, the City Clerk shall further proceed to place the appointment to fill the vacancy on a City Council meeting agenda within thirty (30) days from the date of vacancy.
6. Vacancy due to conviction of a felony or misconduct in office. The City Clerk shall verify the conviction of a board, commission, or authority member through public records. Upon verification, the City Clerk shall further proceed to place the appointment to fill the vacancy on a City Council meeting agenda within thirty (30) days from the date of vacancy.
7. Vacancy due to judicial determination of incompetence. The City Clerk shall verify the judicial determination of incompetence of a board, commission, or authority member through public records. Upon verification, the City Clerk shall further proceed to place the appointment to fill the vacancy on a City Council meeting agenda within thirty (30) days from the date of vacancy.
8. Vacancy due to death. The City Clerk shall verify the death of a board, commission or authority member through public records. Upon verification, the City Clerk shall further proceed to place the appointment to fill the vacancy on a City Council meeting agenda within thirty (30) days from the date of vacancy.

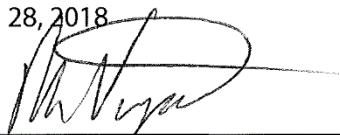
A resignation from office received in response to a notice of default shall be processed by the City Clerk in accordance with guideline 3 above.

If the notice of default does not result in a resignation, the City Clerk shall report to the City Manager for a determination as to whether to proceed to implement a procedure for the removal of the member from the board, commission, or authority in accordance with guideline 4 above.

ACKNOWLEDGEMENT

The City Clerk shall obtain a signed acknowledgement (Attachment C) or email confirmation from each appointee to a board, commission, or authority at the time provided for qualification for office attesting to the fact that this Administrative Policy and Procedure Order has been received, reviewed, and is understood by the appointee.

EFFECTIVE: March 28, 2018



APPROVAL:

Mark D. Vanderpool, City Manager

DATE: 03-28-2018

Attachment A

_____, 20____

[Name of Member]
[Street Address]
Sterling Heights, MI 483____

Re: Notice of default / Failure to qualify within ten (10) days of appointment

Dear Mr./Mrs. _____:

On [insert date of appointment], the City Council appointed you to the City's [insert name of board, commission, or authority], subject to the appointee meeting the qualifications set forth in City Charter Section 4.03 and taking the oath of office within two weeks.

You have failed to fulfill the conditions of your appointment within the required period of time and have defaulted upon your appointment. The City Council will now proceed to fill the vacancy with a new appointment.

If you have any questions upon receipt of this notice of default, please feel free to contact my office.

Sincerely,

Melanie Ryska
City Clerk

Attachment B

_____, 20__

[Name of Member]
[Street Address]
Sterling Heights, MI 483__

Re: Notice of default / Failure to perform duties of office for a period of ninety (90) days

Dear Mr./Mrs. _____:

A review of the minutes prepared from the meetings of the Sterling Heights [insert name of board, commission or authority] of which you are an appointed member indicates that you have failed to attend [insert number] meetings in a period of ninety (90) days [or, failed to attend the last two meetings]. City charter section 4.05 provides in relevant part:

“...a vacancy shall be deemed to exist on any board or commission to which members are appointed for a specific term of office, when such board member...fails to perform the duties of his office for a period of ninety (90) days...”

At the time of your appointment, you were apprised of and acknowledged that regular attendance at meetings of the [insert name of board, commission, or authority] was fundamental to discharging the duties of office. Your recent attendance record necessitates a referral to the City Council for potential action on account of your default of such duties. To avoid such action, you may consider resigning at this time with my office by signing and returning the attached letter of resignation in the envelope enclosed for this purpose.

The City of Sterling Heights thanks you for your service to our community and wishes you well on your future endeavors.

Sincerely,

Melanie Ryska
City Clerk

Attachment C

BOARDS AND COMMISSIONS ADMINISTRATIVE POLICY AND PROCEDURE ORDER

By my signature below, I acknowledge that I have received, reviewed, understand and agree to comply with The Boards and Commissions Administrative Policy and Procedure Order.

Signature

Print Name

Name of Board, Commission or Authority

Date: _____

Please send the completed form to:

City Clerk

City of Sterling Heights

40555 Utica Road

Sterling Heights, MI 48313

Appendix B

44

ETHICS FOR PUBLIC OFFICIALS AND EMPLOYEES

Attached are three city documents concerning ethics:

- **City Charter – Section 4.12**
- **City Code Article IV – Section 2-151 to 2-159**
- **Ethics Resolution adopted by City Council on January 2, 2013**

There is one other document that concerns ethics (APPO 4-2003), however, it is identical to the Ethics Resolution and therefore is not included with this document.

A brief summary of important points from each of the documents follows; however, each document should be read and followed in its entirety.

1. City Charter – Section 4.12

- No officer of the City may have a financial interest in any contract or service to be performed for the City unless that interest is disclosed and the members of the Council who have no interest unanimously approve such contract.

2. Code of Ordinances – Section 2-151 to 2-159

- **Fair and Equal Treatment** – No official and/or employee shall request, use, or permit the use of any consideration, treatment, or favor beyond that which is the general practice to grant to the general public.
- **Use of Public Property** – No official and/or employee of the City shall request, use, or permit the use of any publicly owned or supported property, vehicle, equipment, material, labor, or service for the personal convenience or the private advantage of him/herself or of any other person.
- **Conflict of Interest; Confidential Information** – No official and/or employee of the City shall have a financial or personal interest in any business transaction with the City without disclosure of that interest and disqualify him/herself from participating in deliberations as well as voting. City officials and/or employees (1) Shall not engage in employment with or for any private person who has business transactions with the public body of the City without first making a full public disclosure; (2) Shall not use his/her position to secure special privileges for him/herself or others; and (3) Shall not disclose confidential information without the prior formal authorization of the public body having jurisdiction, nor use any confidential information to advance a financial or personal interest for him/herself or others.
- **Financial disclosure statement** – Whenever a disclosure is required, the financial disclosure statement must include the identity of the persons involved in the outside interest and the source and amount of income derived from the outside interest that may be considered as resulting from employment, investment or gift.

3. Ethics Resolution

- **Public office as public trust** – Public servants should treat their office as a public trust, only using the powers and resources of public office to advance public interests and not to attain personal benefits or pursue any other private interest incompatible with the public good.
- **Principles of independent objective judgment** – Public servants should employ independent objective judgment in performing their duties, deciding all matters on the merits, free from conflicts of interest and both real and apparent improper influences.
- **Principle of accountability** – Public servants should assure that government is conducted openly, efficiently, equitably, and honorably in a manner that permits the citizenry to make informed judgments and hold government officials accountable.
- **Principle of democratic leadership** – Public servants should honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.
- **Principle of respectability and fitness for public office** – Public servants should safeguard public confidence in the integrity of government by being honest, fair, caring, and respectful and by avoiding conduct creating the appearance of impropriety or which is otherwise unbefitting a public official.

City Charter 4.12. Officers must not have interest in city contracts

(A) No officer of the city shall be financially interested, directly or indirectly, in any contract, sale, job, work or service (other than official service), to be performed for the city except as hereinafter provided in paragraph (B), nor shall he stand as, give, or provide any bail, security, or bond required by this Charter or the ordinances of the city; nor personally, nor as an agent, provide any bond required by law of any liquor licensee whose license is subject to approval by the council. Any officer of the city offending against the provisions of this section shall be guilty of misconduct in office.

(B) A contract in which an officer or member of his family has a financial interest may be made by the city if the members of the council having no such interest shall unanimously determine that the best interests of the city will be served by the making of such contract after comparative prices are obtained.

CODE OF ORDINANCES

ARTICLE IV. CODE OF ETHICS FOR PUBLIC OFFICIALS AND EMPLOYEES

2-151. TITLE.

This article may be known as the "Code of Ethics for Public Officials and Employees of the City of Sterling Heights."
(1978 Code, § 2-151)

2-152. DEFINITIONS.

Whenever in this article the following terms are used, they shall have the meanings respectively described to them in this section.

BUSINESS ENTITY. A business entity includes a corporation, general or limited partnership, sole proprietorship, joint venture, unincorporated association, real estate investment trust or other business trust.

INTEREST. Any interest, either personal, financial, legal or equitable, whether or not subject to an encumbrance or a condition, which is owned or held, in whole or in part, jointly or severally, directly or indirectly, at any time during the calendar year. **INTEREST** shall also include any stock or similar security, investment contract, voting trust certificate, limited or general partnership or joint venture, business trust or certificate of interest or participation in a profit sharing agreement or in oil, gas or other mineral royalty or lease or any other equity interest, however evidenced, which entitled the owner or holder thereof, directly or indirectly, to receive or direct any part of the profit fund or to exercise any part of the control over a business entity as well as any interest which, conditionally or unconditionally, with or without consideration, is convertible thereto and interest in a note, bond, debenture or any other evidence of a creditor interest.

OFFICIAL or **EMPLOYEE.** Any person elected or appointed to, or employed by, any public office or public body of the city.

PUBLIC BODY. An agency, board, body, commission, committee, department or office of the city.

(1978 Code, § 2-152)

2-153. FAIR AND EQUAL TREATMENT.

No official or employee of the city shall request, use or permit the use of any consideration, treatment, advantage or favor beyond that which is the general practice to grant or make available to the public at large. All officials or employees of the city shall treat all citizens of the city with courtesy, impartiality, fairness and equality under the law.
(1978 Code, § 2-153)

2-154 USE OF PUBLIC PROPERTY.

No official or employee of the city shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, material, labor or service for the personal convenience or the private advantage of himself or herself or of any other

person. This rule shall not be deemed to prevent any official or employee from requesting, using or permitting the use of such publicly owned or publicly supplied property, vehicle, equipment, material, labor or service which is made available by general practice, to the public at large or which is provided, as a matter of stated public policy, for the use of officials and employees in the conduct of official business.

(1978 Code, § 2-154)

2-155 CONFLICT OF INTEREST; CONFIDENTIAL INFORMATION.

The following regulations are established to avoid both actual and potential conflict between the private self-interest and the public interest of officials and employees of the city.

(1) *Financial or personal interest.* No official or employee of the city, either on his or her own behalf or on behalf of any other person, shall have any financial or personal interest in any business transaction with any public body of the city, unless he or she shall first make full public disclosure of the nature and extent of such interest.

(2) *Disclosure and disqualification.* Whenever the performance of his or her official duties shall require any official or employee of the city to deliberate and vote on any matter involving his or her financial or personal interest, he or she shall publicly disclose the nature and extent of such interest and disqualify himself or herself from participating in the deliberations as well as in the voting.

(3) *Incompatible employment.* No official or employee of the city shall engage in private employment with, or render service for, any private person who has business transactions with any public body of the city without first making a full public disclosure of the nature and extent of such employment or services.

(4) *Representation of private persons.* No official or employee of the city shall use or attempt to use his or her official position to secure special privileges or exemptions for himself, herself or others, except as may be otherwise provided by law.

(5) *Confidential information.* No official or employee shall, without prior formal authorization of the public body having jurisdiction, disclose any confidential information concerning any other official or employee of the city or any other person or any property or governmental affairs of the city. Whether or not it shall involve disclosure, no official or employee shall use or permit the use of any such confidential information to advance a financial or personal interest of himself, herself or any other person.

(1978 Code, § 2-155)

2-156 CONTENTS OF FINANCIAL DISCLOSURE STATEMENT.

Whenever a disclosure is required by this article, the following information shall be included in each financial disclosure statement: the identity of all persons involved in the outside interest and the source and amount of income derived from the outside interest that may be considered as resulting from employment, investment or gift.

(1978 Code, § 2-156)

2-157 VERIFICATION OF FINANCIAL DISCLOSURE STATEMENT

Any person required to file a financial disclosure statement in accordance with the provisions of this article must verify, in writing, under penalty of perjury, that the information in the statement is true and complete as far as he or she knows.
(1978 Code, § 2-157)

2-158 DUTIES OF CITY CLERK UNDER ARTICLE.

The City Clerk shall develop the forms necessary for the implementation of this article in conjunction and with the advice of the City Attorney. The City Clerk shall furnish written instructions explaining the duties of persons required to file under this article. The City Clerk shall examine all financial statements filed pursuant to this article and report irregularities immediately to the person filing the statement and to the City Attorney. Acceptance of the statement by the City Clerk shall not constitute approval of the statement. The City Clerk shall maintain a current list of all financial statements required to be available for public disclosure on file in his or her office. The City Clerk shall preserve all financial statements for at least three years after the date on which they are filed. The City Clerk shall make the statement required to be publicly available for inspection during regular business hours. The City Clerk shall supply appropriate forms to anyone required under this article to file a financial disclosure statement.
(1978 Code, § 2-158)

2-159 VIOLATIONS OF ARTICLE.

Any person violating any of the provisions of this article shall, upon conviction, be punished as prescribed in § 1-9 of this Code. The penalty or penalties imposed are not exclusive remedies under this article and any and all statutory and Charter penalties or forfeitures may also be enforced. Any person convicted under the provisions of this article shall be deemed guilty of misconduct.
(1978 Code, § 2-159)

RESOLUTION

A resolution of the City Council of the City of Sterling Heights to amend the resolution adopted by City Council on December 19, 1990 that established the ethical principles to be followed by all officers and employees, Board and Commission members and setting forth guidelines to use in compliance with the existing City ethics code.

BE IT RESOLVED THAT; the City Council hereby adopts and directs compliance with the following **PUBLIC SERVICE ETHICAL PRINCIPLES** and establishes the following guidelines:

I. PUBLIC OFFICE AS A PUBLIC TRUST

Public servants should treat their office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.

1. PURSUIT OF PUBLIC INTERESTS

In treating their office as a public trust, public servants, whatever their role, should diligently and in good faith pursue the public interest to the best of their ability and subordinate self-interest to the public good.

2. ENSURING PUBLIC RESPECT

In treating their office as a public trust, public servants should act so as to ensure the reality and perception that government is conducted according to the highest principles of democracy with honesty, integrity and a concern for justice and is, therefore, worthy of respect, trust, and support.

- A. Avoiding impropriety** – Public servants should maintain public trust in government by avoiding acts, which place personal or private interests above pursuit of the public interest.
- B. Avoiding appearances of impropriety** – Public servants should avoid conduct, which tends to undermine public trust by creating in the minds of reasonable impartial observers the perception that government office has been used improperly.

3. FORMULATION OF PUBLIC POLICY

Persons with the responsibility for making public policy and laws should place the public interest over all other considerations.

- A. Elected officials should make policy. In a representative democracy, public interest should be determined and translated into policies and programs by or under the direction of elected officials who are ultimately accountable to the public.
- B. Dealing with conflicting loyalties – In pursuing the public interest, public servants should put loyalty to democratic principles and to the broadest public good above loyalty to political party, their constituencies and individuals.
- C. Ranking loyalty obligations – When allocating public funds and formulating general public policies, elected officials should evaluate information objectively and decide what is best for the public as a whole, not just a narrow constituency.
- D. Organizational vs. personal loyalties – Public servants with supervisory authority should safeguard and protect the public interest, the reputation of government and the integrity and efficiency of their department, even at the cost of injuring a superior, colleague, or friend.
- E. Protection of minority rights – It is in the overall public interest that the will of the majority is tempered by a commitment to consider and protect the rights and advance the interests of minorities especially those that are not sufficiently represented in the normal decision making process.

4. IMPLEMENTATION OF POLICY

Public administrators and executives should interpret and implement policies and laws in good faith and energetically pursue the goals of policy and lawmakers.

- A. Subordination of personal views – Public servants charged with the administration of policies and laws should do so as equitable, efficiently, and economically as possible, regardless of their personal views.
- B. Dealing with policy disagreements – Public servants who find that their personal convictions are irreconcilably incompatible with lawful policies should openly state their conflict and, in some cases, withdraw from the administration of such policies.
- C. Whistle-blowing: disclosure of unlawful or improper policies or actions – Public servants who have a good faith belief that the public interest requires the disclosure of governmental policies or actions thought to be unlawful or improper should reveal their information to appropriate authorities.
- D. Leaking – Except in matters of great public importance where identifying oneself as the source of information would involve unreasonable personal risks, public servants should not secretly reveal confidential governmental matters or allege improprieties.

5. PERSONAL GAIN FROM THE PERFORMANCE OF PUBLIC DUTIES

Except for official compensation, public servants should neither seek nor accept any form of payment, gratuity or other personal benefit relating to the performance of their responsibilities.

- A. Performance of duty – Public servants should neither seek nor accept any form of personal benefit for the performance of their duty to deal with a matter promptly, efficiently or fairly or for the exercise of appropriate but discretionary representational authority.
- B. Accessibility of elected officials – Elected officials should assure that constituents and others who may be affected by public policies have a fair and equal opportunity to express their concerns, grievances, and ideas without regard to their willingness or ability to provide personal benefits or political support to the official.
- C. Personal benefits should never appear to be necessary – Public servants should not engage in any conduct, which could create in the mind of a reasonable observer the belief that persons will receive better or different service if they provide personal benefits or political support to a government official.

6. USE OF PUBLIC EMPLOYEES FOR PERSONAL BENEFIT

Public servants should not use public employees on government time for private benefit.

- A. Subordinate's responsibility to say no – Public employees should refuse to perform improper personal tasks on government time.

7. USE OF GOVERNMENT PROPERTY FOR PERSONAL BENEFIT

A public servant should not use government property or facilities for private benefit.

8. USE OF TITLE OR PRESTIGE FOR PERSONAL BENEFIT

Public servants should not use, nor allow others to use, the authority, title, or prestige of public office for the attainment of private financial, social or political benefits in any manner that is inconsistent with public interests.

- A. Use for commercial purposes – Public servants should not permit their names nor official titles to be used by a nonpublic enterprise in any manner, which would lead reasonable observers to believe that those who deal with the enterprise may receive special treatment or advantages as a result of a formal association with the public servant.
- B. Exploitive fees – The present or former holder of a high public office which carries with it substantial prestige should not appear to sell the stature of the office by

accepting sums that create a general perception that the office has been exploited for private gain.

- C. Use for private advantage – Public servants should not use official letterhead or refer to their public position as a means of inducing or intimidating persons to resolve disputes more favorably, provide preferential treatment, or give free tickets, discounts, favors or other advantages.

9. USE OF PUBLIC POWERS FOR POLITICAL ADVANCE

A public servant should not use the resources, prerogatives and powers of office primarily to advance political interests.

- A. Use of public employees – A public servant should not seek to use public employees, on government time, to assist in political party activities, campaigning, fund raising, or other partisan or personal political activities.
- B. Use of public facilities – A public servant should not conduct nor allow campaign and fundraising activities on government premises nor use government resources for these purposes.
- C. Use of public authority – A public servant should not use public authority primarily to achieve personal political advantage or favorable press coverage.
- D. Use of public meetings for political advance. A public servant should not use a public meeting or other City function as an opportunity to introduce or otherwise advance the candidacy of a candidate for political office.**

10. USE OF CAMPAIGN FUNDS FOR PRIVATE BENEFIT

Public servants who run for office should use campaign funds only for expenses directly relating to campaigning (e.g., salaries, consultant fees, travel, printing, media, polling, communication with voters and constituents) and not for personal or other political purposes.

- A. Improper expenditures – Campaign funds should not be used to supplement personal income or enhance a personal life style.
- B. Loans – Candidates should not borrow from campaign funds nor loan them to any other person, whether or not interest is paid.
- C. Disclosure about the use of funds – Public servants who raise campaign funds with the intent or known possibility that they will be used for a purpose other than direct campaign expenses relating to a current election should disclose their intent to the donor in order to avoid any possibility of raising money under false pretenses.

II. PRINCIPLES OF INDEPENDENT OBJECTIVE JUDGMENT

Public servants should employ independent objective judgment in performing their duties, deciding all matters on the merits, free from conflicts of interest and both real and apparent improper influences.

1. CONFLICTS OF INTEREST

Public servants should safeguard their ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial, social and political relationships and transactions, which may compromise or give the appearance of compromising their objectivity, independence or honesty.

- A. Disclose of financial conflicts of interest – Public servants subject to disclosure of financial interest requirements should comply with both the letter and spirit of the regulations and not seek to circumvent them by evasion strategies or legalisms.
- B. Avoidance of financial conflicts – Despite laws that permit financial conflicts, public servants should make all reasonable efforts to avoid transactions which may compromise or give the appearance of compromising their objectivity, independence or honesty.
- C. Benefits intended to influence – Public servants should not accept benefits of any sort under circumstances in which it could be reasonably inferred that the benefit was intended to influence them in the performance of their public responsibilities.
- D. Duty to report improper offers – When the possibility of improper motive requires refusal of a gratuity, the official should firmly warn the person about bribery laws and improper influence; if the attempt to unduly influence is clear, the matter should be reported to law enforcement authorities.
- E. Appearance of undue influence – Regardless of the actual intent of the provider or recipient, public servants should not accept benefits of any sort under circumstances, which would create in the mind of a reasonable observer the belief the benefit, may influence them in the performance of their public responsibilities.
 - i. Earned income from persons directly affected by actions or decisions – Public servants should avoid engaging in financial relationships that might reasonably be construed to affect their judgment or actions, especially from lobbyists or other persons who are likely to be affected directly by their actions or decisions.
 - ii. Gratuities from persons directly affected by actions or decisions – Public servants should refuse to accept any gratuities, which may reasonably be construed to affect their judgment or actions, especially from lobbyists or

other persons who are likely to be affected directly by their actions or decisions.

- iii. Campaign contributions from persons directly affected by decisions – Public servants should be cautious about accepting campaign contributions, which may reasonably be construed to affect their judgment or actions, especially from lobbyists or other persons who are likely to be affected by their decisions.
- iv. Personal relationships with persons directly affected by decisions – Public servants should be cautious about accepting campaign contributions, which may reasonably be construed to affect their judgment or actions, especially from lobbyists who are likely to be affected directly by their decisions.

2. RECUSAL AND DISQUALIFICATION

Public servants should not take any public action under circumstances where, due to a conflict in interests, they are not certain that they can do so fairly and objectively.

3. BIAS OR FAVORITISM

Public servants should exercise the powers and prerogatives of office fairly without prejudice or favoritism. It is improper to use public authority to reward relatives, friends or political supporters or to hinder or punish enemies and opponents.

4. INTERVENING ON BEHALF OF CONSTITUENTS AND FRIENDS OR FOR IMPROPER PURPOSES.

Public officials should be extremely cautious about directly or indirectly intervening with normal decision making, investigative, or adjudicative processes of governmental bodies on behalf of constituents or friends since such intervention can threaten the ability of government administrators to exercise independent objective judgment on the merits.

- A. General rule – Generally, intervention on behalf of constituents or friends is proper only if it is strictly limited to assuring fairness of the procedures and the intervener consciously avoids seeking to unduly influence the decision making process. Those who intervene should firmly, explicitly and unambiguously convey their limited purpose to reduce the possibility of direct or indirect pressure on administrators, which could reasonably appear to influence the substantive decision.
- B. A public official should not appear before or have contact with a City board, commission, or committee for the purpose of influencing the outcome of a matter under consideration by threats, intimidation, or other improper exercise of the powers of public office.

III. PRINCIPLE OF ACCOUNTABILITY

Public servants should assure that government is conducted openly, efficiently, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold government officials accountable.

1. OVERSIGHT

Public servants should assure that those to whom they have delegated public power, including their staffs and administrative agencies, carry out their responsibilities efficiently, equitably and ethically.

2. OPENNESS

Public servants should exercise the authority of their offices openly so that the public is informed about governmental decisions and the citizenry can hold them accountable for their actions.

3. DUTY TO IMPROVE THE SYSTEM

Public servants, who believe that a law or policy is not achieving its intended purpose, is creating unintended harms, or is wasteful or inefficient, should take affirmative steps to improve procedures in a way that will increase the fairness and quality of government services and assure that policies are implemented equitably, efficiently, and economically.

A. Making changes – Public servants should take whatever actions they can to correct problems, streamline procedures and improve services. Where desirable changes exceed authority, public servants should promptly and forcefully recommend reform to the appropriate person or body.

B. Supervisor's duty – In order to encourage a broad sense of responsibility for both the results and methods of government action, supervisors should develop a working environment that fosters constructive criticism and creative problem solving.

4. SELF-POLICING

Public servants should maintain the integrity and trustworthiness of government by taking whatever steps are necessary, including reporting improper conduct to appropriate authorities, to prevent the unlawful or unethical use of public position, authority or resources.

IV. PRINCIPLE OF DEMOCRATIC LEADERSHIP

Public servants should honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.

1. **OBEYING ALL LAWS**

Public servants have a special obligation to obey all laws and regulations.

2. **ARTIFICES AND SCHEMES**

Public servants should not engage in artifices and schemes to exploit loopholes or ambiguities in the law in a way that undermines their spirit and purpose.

3. **INTEGRITY OF THE PROCESS**

In using procedural rules, public servants should maintain the integrity, fairness and efficiency of the process by honoring the substance and spirit of the rules and by refraining from conduct which undermines the principles of representative democracy.

4. **USE OF LEADERSHIP POWER**

Legislative leaders and committee chairs should use their leadership powers only in a manner consistent with representative democracy.

5. **CIVIL DISOBEDIENCE**

In rare cases, a public servant may exercise the prerogative of conscientious objection by disobeying the law. In such cases, the illegal behavior should be open and the official should be willing to bear the appropriate legal and political consequences.

V. PRINCIPLE OF RESPECTABILITY AND FITNESS FOR PUBLIC OFFICE

Public servants should safeguard public confidence in the integrity of government by being honest, fair, caring and respectful and by avoiding conduct creating the appearance of impropriety or which is otherwise unbefitting a public official.

1. **FITNESS FOR PUBLIC OFFICE**

Public servants should conduct their professional and personal lives so as to reveal character traits, attitudes, and judgments that are worthy of honor and respect and demonstrate fitness for public office.

- A. Honesty – Public servants should be scrupulously honest, avoiding any form of lying, deception, deviousness, hypocrisy, and cheating in their professional and personal lives.
- B. Integrity – A public servant should reflect personal integrity in all matters, placing principle over expediency and demonstrating courage of convictions.
- C. Private personal conduct – Public servants should avoid engaging in any conduct, which is likely to bring discredit on themselves and the governmental bodies in which they serve.

2. CAMPAIGNING

Those seeking public office should conduct their campaign in a way that aids the citizenry to make an informed choice on appropriate criteria and which casts credit on government and the election process.

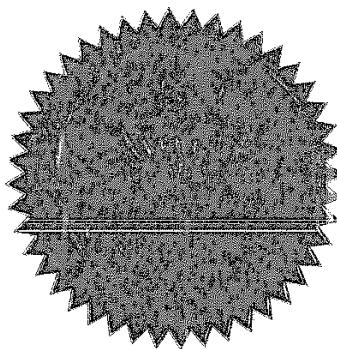
Moved by: Ziarko Seconded by: Schmidt

Ayes: Ziarko, Schmidt, Koski, Notte, Romano, Taylor.

Nays: Smith.

This resolution was adopted by the Sterling Heights City Council at its January 2, 2013 regular City Council meeting.

Walter C. Blessed, City Clerk



Appendix C

59

Chapter 6: Successful Meetings

Rules of Procedure

Adopting rules of procedure to govern its meetings may very well be one of the most important actions a council takes. These rules assist in ensuring that meetings are efficient and genial and provide guidelines for dealing lawfully and effectively with the public and the media.

The council should review its rules of procedure at its first meeting after members elected at the municipality's regular election have taken office and when a quorum is present. Following discussion and any amendments, the council should adopt the rules of procedure by majority vote.

Typically, council rules contain provisions for:

- notification of meetings;
- regular and special meetings;
- attendance at meetings;
- meeting information packets;
- agenda preparation and distribution (including the use of a consent agenda);
- voting;
- public hearings;
- parliamentary procedure;
- conduct of meetings (decorum of council members; disorderly conduct);
- public participation;
- minute preparation;
- committees (establishing; appointments; duties and responsibilities);
- resolutions; and
- ordinances (introduction; public hearing; publication; amendments).

The rules should indicate the sequence of the council agenda as well as the procedure for holding public meetings. They might also include whether or not the mayor or president is entitled to speak in debate, any restrictions on abstentions, how items are added to the agenda, how the agenda is distributed, limits on speeches—basically

anything having to do with how you procedurally conduct your meetings.

Agendas

An agenda is a guide for conducting an official business meeting of a duly constituted body. Generally, the person who sets the agenda is the presiding officer (hereafter called the chair). The chair should set a deadline before each meeting to receive agenda items. The deadline should allow enough time before the meeting for an agenda to be produced and supporting information and documents to be mailed or delivered to the members. Board or council members should have enough time before the meeting to read and digest the information. Allowing time for the members to prepare will help the meeting proceed at a more efficient pace.

The chair should mail a message or verbally remind each person on the board or council of the deadline each time an agenda is being prepared. Most people can be verbally reminded before the preceding meeting is adjourned. Other interested and appropriate individuals should also be notified of the date and time when agenda items are due.

The person responsible for each agenda item should be listed on the printed agenda next to that item.

Sample Agenda Outline

1. Call to Order (Pledge of Allegiance, if there is to be one)
2. Roll Call
3. Approval of (regular/special) minutes of the last meeting
4. Approval of Agenda
5. Public Comments – Reserved Time (for items listed on this agenda)
6. Petitions and Communications
7. Consent Agenda

8. Introduction and Adoption of Ordinances and Resolutions; Public Hearings
9. Reports of Officers, Boards and Committees; Routine Monthly Reports from Departments
10. Unfinished Business (unfinished or pending matters)
11. New Business
12. Miscellaneous
13. Public Comments – General
14. Recess – Work Session
15. Closed Session (for situations that meet the circumstances specified in the Michigan Open Meetings Act.)
16. Adjournment

Open Meetings Act

The basic intent of the Open Meetings Act (OMA) is to strengthen the right of all Michigan citizens to know what goes on in government.

Briefly, the OMA requires that nearly all deliberations and decisions of a public body be made in public. While it sounds simple, problems arise in the definition of terms. What is a “public body”? Is a subcommittee of the council a “public body”? Is a discussion of the candidates for the manager’s position a “deliberation”? Does the council have to discuss its final offer to the fire union in public session? The answer to most of these questions is the same: “It depends.”

Remember, the general rule of thumb is to conduct the public’s business in public. Deliberate so the constituents know why decisions are made. Deliberations and documents may be kept confidential only when disclosure would be detrimental to the municipality, not when the matter would be uncomfortable or embarrassing.

When specific circumstances cause you to question the appropriateness of a closed session or the appropriate posting requirements, the safest course of action is to follow the guidance of your municipal attorney. The specific details of the situation and recent legislation and court decisions will make each situation unique.

Closed meetings

In order for a public body to hold a closed meeting, a roll call vote must be taken; depending on the circumstances, either two-thirds of its members must vote affirmatively or it must be a majority vote. (See Appendix 2: Overview of the Open Meetings Act). Also, the purpose for which the closed meeting is being called must be stated in the meeting when the roll call is taken. The law provides for closed meetings in a few specified circumstances:

- to consider the purchase or lease of real property (2/3 vote);
- to consult with its attorney about trial or settlement strategy in pending litigation, but only when an open meeting would have a detrimental financial effect on the public body’s position (2/3 vote);
- to review the contents of an application for employment or appointment to a public office when the candidate requests the application to remain confidential (2/3 vote). However, all interviews by a public body for employment or appointment to a public office must be conducted in an open meeting; and
- to consider material exempt from discussion or disclosure by state or federal statute (2/3 vote); and
- to consider dismissal, suspension or disciplining of, or to hear complaints or charges brought against or to consider a periodic personnel evaluation of, a public officer or employee if requested by the named person (majority vote).

Recording Minutes

Minutes are recorded to provide an accurate written history of the proceedings of a board, commission, or committee meeting. The OMA contains the legal requirements for minutes of public body meetings. Minutes must be kept for all meetings and are required to contain:

- a statement of the time, date, and place of the meeting;
- the members present as well as absent;

- a record of any decisions made at the meeting and a record of all roll call votes; and
- an explanation of the purpose(s) if the meeting is a closed session.

Except for minutes taken during a closed session, all minutes are considered public records, open for public inspection, and must be available for review as well as copying at the address designated on the public notice for the meeting.

Proposed minutes must be available for public inspection within eight business days after a meeting. Approved minutes must be available within five business days after the meeting at which they were approved.

Corrections in the minutes must be made no later than the next meeting after the meeting to which the minutes refer. Corrected minutes must be available no later than the next meeting after the correction and must show both the original entry and the correction.

Closed Meeting Minutes

Minutes of closed meetings must also be recorded, although they are not available for public inspection and would only be disclosed if required by a civil action. These minutes may be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved.

Public Hearings

Council rules should include a procedure for public hearings. A *public hearing* is that portion of a meeting designed specifically to receive input from the public on a single issue. It may be required by ordinance, charter, or statute. The time, place, and subject of the hearing must be posted as required by the ordinance, charter, or statute. The hearing may be before, during, or after a regular meeting or may be at a special meeting called specifically for that purpose. Public hearings are formal meetings of the council to obtain input from the public. Public hearings offer citizens an opportunity to be heard, and should be viewed as a

serious effort on the part of elected officials to secure as much information as possible about a topic before a final decision is made. Public hearings are legal requirement for some matters, such as:

- adoption of the budget, and
- changing the zoning ordinance.

Local charters may also include provisions on public hearings, such as requiring a public hearing for the consideration of a proposed ordinance. Even if not required by law, a public hearing can be useful in helping municipal officials understand how their constituents feel and why they feel that way.

Parliamentary Procedure

A good working knowledge of meeting management and the basic elements of parliamentary procedure will engender a sense of confidence at your first public meeting. You should feel comfortable with how to make a motion, what is expected of you in debate, and how a vote is taken. In other words, know your rights and how to enforce and protect them.

Parliamentary procedure is not meant to be restrictive or prevent free expression of opinion, but rather to serve as a protection of the rights of all—the majority, the minority, individual members, absent members, and all of these together. For a governmental body, that also includes your constituency—the public. The purpose is to expedite business, maintain order, insure justice, and make sure that the will of the organization is accomplished properly and fairly. In other words, these procedures are designed to help, not hinder, the process.

In a message to Congress in 1961, President John F. Kennedy stated “The basis of effective government is public confidence.” As a member of your city or village council, you can help inspire that confidence by being professional in your duties, by having a good working knowledge of parliamentary procedure, and by projecting your image as an efficient, fair-minded, knowledgeable official. An orderly, smoothly run meeting, one that

accomplishes the tasks at hand, should be your goal. And it shouldn't last too long either.

It all sounds so simple. A motion is made, discussed, and voted on. How much easier can it get? Well, we have a tendency to make it much more difficult than it has to be.

Parliamentary law is composed of the rules and customs governing deliberative assemblies. The most widely used authority is *Robert's Rules of Order Newly Revised (Roberts Rules)*, used by more than 75 percent of all deliberative assemblies, including governmental bodies. Meetings of governmental bodies are regulated by federal and state laws (such as the Open Meetings Act), which take priority, and local charters (which may stipulate that the president votes only to break a tie), and any rules that your municipality has adopted regarding procedure. **If you have adopted the current version of *Roberts Rules*, it should be consulted as a last resort if nothing else applies, not as the first and foremost authority.**

As a member of the public body, you have the responsibility to become familiar with requirements and restrictions under the OMA, your own governing documents—especially your charter—and your council rules of procedure. Your agenda, how business is introduced, how debate is conducted, how the vote is taken—all of these things have their basis in parliamentary procedure.

There are some basic concepts that are common to all organizations: a quorum must be present to take legal action; only one main proposition can be on the floor at a time; only one member can speak at a time; the issue, not the person, is always what is under discussion; and usually, a majority vote decides.

A motion is handled in the following manner:

1. A member is recognized and makes a motion by stating "I move..." (Never use "I want to..." or "I think we should..." or "I motion..." or "So moved.")
2. Another member "seconds" the motion, without waiting for recognition. This means that another person thinks the subject is important enough for discussion and vote. (To expedite business and avoid confusion when no second is offered, you might want to adopt a rule that eliminates the requirement for a second).
3. The chair states the question: "It is moved and seconded that . . ." The motion now belongs to the assembly for discussion.
4. The chair asks: "Is there any discussion?" or "Are you ready for the question?" The motion is opened for debate, and the member who made the motion has first priority in speaking to the question. According to *Roberts Rules*, each member has the right to speak twice in debate, but may not speak the second time until everyone has had a chance to speak the first time.
5. The chair states "The question is on the adoption of the motion to..." the vote is taken by whatever means is established in your community. If by voice vote, "All those in favor say 'aye'. All those opposed, say 'no'."
6. The chair announces the results of the vote. "The ayes have it and the motion is adopted." Or "The nays have it, and the motion is lost."

The chair must be comfortable not only with procedures in handling motions, but also showing impartiality; keeping the discussion focused; soliciting opinions from members; not allowing blame-oriented statements; protecting staff and colleagues from verbal abuse or attack; encouraging alternate solutions; making sure everyone knows what is being voted on; and, even explaining what a "yes" or a "no" vote means.

Individual members should respect their colleagues and the chair; obtain the floor by being recognized by the chair before speaking; use correct terminology; limit remarks to the issue under consideration; raise concerns and objections during debate;

and, actively listen to citizen input and discussion.

Also, remember silence gives consent. Some communities have a restriction on the ability of members to abstain from voting, or they may need approval of a majority, or even unanimous approval, of the other members, in order to abstain from voting. If you have no such rule, you may abstain, but the abstention is not counted as a “yes” or “no” vote. In essence, you have given your permission to the will of the majority, whatever that might be.

Following are the five classes of motions and some examples of when to use them:

1. Main motion

- To introduce a subject, *make a main motion*

2. Subsidiary motions assist the members in treating or disposing of a main motion

- To kill or reject a main motion without a direct vote on it, *move to postpone indefinitely*
- To change a pending motion, *move to amend*
- To send a pending question to a small group for further study, *move to commit or refer*
- To put off action or a decision until later in the same or next meeting, *move to postpone definitely*
- To change the rules of debate, *move to limit or extend limits of debate*
- To close debate, *move the previous question*
- To set aside the pending question temporarily in order to take up more pressing business, *move to lay on the table*

3. Privileged motions deal with rights and privileges of members and do not directly affect the main motion.

- To return to the printed agenda, *call for the orders of the day*
- To secure a privilege, such as insuring your ability to see or

hear, raise a question of privilege

- To take a short break in the meeting, *move to recess*
- To close a meeting, *move to adjourn*
- To set a time to continue the business to another day without adjourning the current meeting, *move to fix the time for which to adjourn*
- 4. Incidental motions are incidental to the business at hand
 - To endorse the rules, *rise to a point of order*
 - To reverse or question the decision of the chair, *appeal*
 - To question the correctness of a voice vote as announced by the chair, *call for a division of the assembly* (rising vote)
- 5. Motions that bring a question again before the assembly allow the assembly to reopen a completed question
 - To give members a chance to change their minds, some motions can be redebated and revoked. The move must come from the prevailing side (yes if it was adopted; no if it failed), *move to reconsider*
 - To change what was adopted at a previous meeting, *move to amend something previously adopted*
 - To change the outcome of an affirmative vote, *move to rescind*

Each of these motions, of course, has its own rules regarding when it is in order, if it must be seconded, if it is debatable or amendable, and what vote is required for adoption; and even if it can be reconsidered. Make it your business to become as knowledgeable as you can, and then share your knowledge with others.

This chapter is based on materials provided by Connie M. Deford, retired city clerk of Bay City.

Appendix D

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List of Boards and Commissions

Arts Commission
Beautification Commission
Board of Code Appeals
Board of Ordinance Appeals I
Board of Ordinance Appeals II
Board of Review
Building Authority
Citizens Advisory Committee-CDBG
City Council
Civil Service Commission-Act 78
commUNITY Alliance
Corridor Improvement Authority
Economic Development Corporation/Brownfield Redevelopment Authority
Elected Officials' Compensation Commission
Election Commission
Ethnic Community Committee
Historical Commission
Housing Commission
Library Board of Trustees
Local Development Finance Authority
Pension Board-General Employees
Pension Board-Police & Fire
Planning Commission
Solid Waste Management Commission
Sustainability Commission
Water System Advisory Council
Youth Advisory Board
Zoning Board of Appeals

Please visit the City of Sterling Heights website for a detailed summary of all City Boards and Commissions.

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