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CITY COMMISSIONER'S GUIDEBOOK

City of St. Johns

The Fundamentals of Being a City Commissioner

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Purpose

Purpose of the City Commission

The purpose of the City Commission is to act as the community's legislative and policy making body. The City Commission is responsible for operational tasks such as the approval of a yearly fiscal budget, but they are also responsible for the long-term goals of the community, its major projects, land use and development, strategic planning, and capital improvement.

Within the City Commission structure is the City Mayor. The Mayor is responsible for presiding over meetings, they represent the City's intergovernmental affairs, facilitate communication between elected and appointed officials, appoint citizen members to boards and commissions (with input and consent from the entire commission), and help guide and assist the commission in goal setting and policy decisions.

Primary City Documents

City of St. Johns Charter

The City Charter defines the organizational powers, rules, and procedures of the city government.

Advantages of a City Charter:

- It secures Home Rule for St. Johns. It establishes a simple, direct and businesslike form of government.
- It creates a single-headed administrative establishment and this administrative unity makes for harmony between departments, since all are subject to a common head.
- It ensures expertise in administration at the point where it is most valuable, namely, at the head.
- Regular municipal elections will be held every two years.
- It makes elective officers responsive to public opinion by means of the initiative and referendum. It furnishes through the recall a simple method of removing inefficient or corrupt officials.
- It permits public work to be done by direct labor as well as by contract.
- It centralizes purchasing, which will effect greater saving in the purchase of supplies.
- It recognizes the people as the sole sources of governmental power and imposes upon each member of the community the duty and responsibility of actively interesting himself in the affairs of the city.

City Charter Link: https://cityofstjohnsmi.com/egov/documents/1589391981_32768.pdf

City of St. Johns Master Plan

The Master Plan is a policy framework for decisions that affect the physical, social and economic environment of the City. The Master Plan represents goals and strategies to guide the City over the next 20 years and beyond. The Plan provides vision, direction and a defined achievable future for the City by establishing specific goals and strategies for land use; transportation; community facilities; and implementation. This document must be reviewed every 5 years to ensure that it remains up to date and prevalent.

The Master Plan is to be used by City staff to evaluate and make recommendations to the Planning Commission and City Commission on regulatory and policy changes, zoning decisions and budgeting directives. The Planning Commission and City Commission use the Master Plan to make decisions regarding proposals that are presented before them. The Plan is used by

citizens and neighborhood groups to understand the City’s long-range plans and proposals for different geographical areas and to encourage plan implementation. The Plan provides a basis for the City’s development regulations and the foundation for its capital improvements program.

Master Plan Link: https://cityofstjohnsmi.com/egov/documents/1591737202_06145.pdf

Why Does the City of St. Johns have a Master Plan?

The Michigan Planning Enabling Act (MPEA), being Act 33 of 2008 as amended, gives the authority and responsibility to municipalities to “make and approve a master plan as a guide for development within the planning jurisdiction.” The Act further states that “a master plan shall address land use and infrastructure issues and may project 20 or more years into the future.” The City of St. Johns Master Plan is responsive to this State requirement and the various components required in it by the MPEA.

Master Plan v. Zoning Ordinance

A clear understanding of the difference between the City of St. Johns Master Plan and the City of St. Johns Zoning Ordinance is crucial to the operations of the Planning Commission and the decisions made by the Commission. Although a Master Plan is the community’s expression of its land use policies and long-term land use goals, it is not a regulatory document and does not have the power of law behind it. Instead, the Master Plan is implemented by regulatory tools including the City of St. Johns Zoning Ordinance, and others. Absent these complimentary regulatory actions, the ability of the City to implement its vision, as expressed by the Master Plan, would be greatly compromised. As the Planning Commission reviews matters before it, including policy development in the Master Plan, regulatory standards in the Zoning Ordinance and other regulatory tools, and proposals for development, the distinction between the Master Plan (visionary policy document that we strive to achieve) and the Zoning Ordinance (regulatory document that must be complied with and can be legally enforced) must be kept in mind.

Code of Ordinance Link: http://www.amlegal.com/codes/client/saint-johns_mi/

Fiscal Year Budget Document

St. Johns has a fiscal year budget beginning on July 1 and ending on June 30. The budget is done annually, and projected budgets look at the current fiscal year as well as four years into the future. The budget will include fund totals that will allow you to see how a fund has performed over the years and how healthy the reserves are.

Budget Process: <https://cityofstjohnsmi.com/topic/index.php?topicid=37&structureid=16>

City of St. Johns Capital Improvement Plan

A Capital Improvement Plan (CIP) is a multi-year planning instrument used to identify needs and funding sources for municipal capital project expenditures. Projects are generally described as significant, physical improvements or purchases that have a long, useful life. These projects include municipal facilities; information technology systems; transportation systems; water, sewer, and stormwater utilities; street lighting; vehicles and large equipment; and other large capital purchases or improvements. Upon adoption by the City Commission, the CIP becomes a statement of City policy regarding the timing, location, character, and funding of future capital projects. In Michigan, the formation of a capital improvements program is required by the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3865.

CIP Link: https://cityofstjohnsmi.com/egov/documents/1589557876_75244.pdf

Purpose of the Capital Improvement Plan

The quality of the infrastructure and community facilities in the City directly influences the quality of life that the City can provide. As community infrastructure and facilities age, continual improvements and updates are required to stay current with changing demands and needs. In the midst of shrinking resources and deferred maintenance costs, a CIP is more important than ever. The 2020-2025 Plan will reflect a six-year anticipated scheduling and costs for infrastructure, facilities, and equipment based on input from the City's departments.

The purpose of the CIP is to achieve the following outcomes:

- Ensure the timely repair and replacement of aging infrastructure, facilities, and equipment.
- Provide a level of certainty for residents, businesses, and developers regarding the location and timing of public investments.
- Identify the most economical means of financing capital improvements.
- Provide an opportunity for public input in the budget and financing process.

- Facilitate coordination upgrades to capital infrastructure systems.
- Enhance the community's credit rating, control of its tax rate, and avoid sudden changes in its debt service requirements.
- Ensure that patterns of growth and development are consistent with the master plan.
- Balance desired public improvements with the community's financial resources.

General City Commission Information

Commissioner-Manager Form of Government

The Commission-Manager form is the system of local government that combines the strong political leadership of elected officials in the form of a Commission, with the strong managerial experience of an appointed local government Manager. The form establishes a representative system where all power is concentrated in the elected Commission and where the Commission hires a professionally trained Manager to oversee the delivery of public services.

In Commission-Manager government, Commission members 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 Manager is appointed by the Commission to carry out policy and ensure that the entire community is being served.

The City is treated as a unit for election and general administration purposes.

Roles of the City Commission and City Manager

The role of the City Commission is to lead the community of the City of St. Johns towards its vision and adopted set of goals. The vision and goals shall be set by the City Commission and shall reflect the needs of the residents and property owners as they relate to the services and activities of the St. Johns City government. The City Commission is the linkage between the City government and the residents and property owners of the community. The City Commission's primary responsibilities are to represent the residents and property owners of the entire City of St. Johns. The fulfillment of the mission and goals should be done in a fiscally responsible manner within the parameters of statutory authority and the City Charter.

The City Commission connects its authority to the residents and property owners of St. Johns and sees its task as servant-leaders to and from them. The role of the City Commission is separate and distinct from the role of the City Manager, City Attorney, and staff insofar as the City Commission's vision and goals are derived by looking outwardly to the needs and interest of the citizens of residents and property owners. The implementation of the City Commission's vision and goals is the responsibility of the City Manager.

The City Commission acknowledges the roles and responsibilities of the other appointed boards of the City, as well as the Commission's duty to provide funding and organizational support necessary for them to carry out their assigned duties.

The City Commission will appoint/hire, review, and hold accountable the City Manager. The City Manager is the official connection between the City Commission and the staff and organization

of the City of St. Johns. As the policy-making body of the City, the City Commission is responsible for visionary policies and goals. The City Commission must clearly communicate its visions, goals, objectives, and concerns to the City Manager. Individual members of the City Commission shall not cause for there to be a hostile work environment which adversely impacts the ability of the City Manager to effectively serve the City Commission. Implementation of operational policies and ancillary decision making, consistent with the vision and goals of the City Commission, is the responsibility of the City Manager.

The City Commission's interaction with the City Manager must have a recognized respect for the authority that is vested in the City Manager to enable him/her to perform the functions and duties of that position. The City Manager is accountable only to the City Commission as a whole, and not to individual City Commissioner. Therefore, no individual member of the City Commission has authority over the City Manager. Information may be requested by individual Commissioners, but if such request, in the City Manager's judgment, require a material amount of resources or is detrimental to other necessities, the City Manager may ask for majority Board action on such requests. Except for the purpose of inquiry, the Commission and its members shall deal with day-to-day administrative functions of all departments, under the Commission's responsibility, solely through the City Manager and neither the Commission nor any member thereof shall give orders or direction to any of the subordinates of the City Manager or City Attorney.

With the exception of the City Attorney, the City Manager shall have general authority over all City departments and Department Directors under the City Commission. This authority shall include supervision and oversight of structural, budgetary, and day to day functions and management decisions required to carry out the objectives of the City Commission. It is the role of the City Manager to evaluate the performance of the Department Directors, and to promptly address any performance concerns or disciplinary matters.

In general terms, the City Commission's job is generally confined to the establishment of the broader vision and policies of the City. Implementation and subsidiary decision making is delegated to the City Manager. The City Commission shall formally adopt a job description outlining specific duties, responsibilities, and qualifications needed for a person employed as the City Manager. Generally speaking, the duties of the City Manager shall include:

Management of City Organizational Structure – this includes annual evaluation of departmental structure and duties throughout the City and recommendations to City Commission for more efficient and/or cost-effective ways to provide City services. The City Manager also provides the selection and management of all department heads (some are different with City Charter; e.g. Police Chief).

Operational Policies – the City Manager shall be responsible for delivering, implementing, and enforcing written operational policies consistent with the City Commission's vision and

objectives including but not limited to: Purchasing Policies, Employment Policies, Code of Ethics Policy, and any other such written policies as directed by the City Commission.

Financial – It is the City Manager’s duty to annually produce and present a fiscally responsible balanced budget recommendation to the City Commission. The City Manager’s budget recommendation must be consistent with the City Commission’s stated priorities in allocating amongst competing budget needs, meet statutory requirements, be based on credible projections of revenues and expenses, include contingency planning, and provisions for annual auditing and adequate fund reserves.

Communication - The City Manager is responsible for communicating the City Commission’s visionary policies and goals. Information that impacts the City’s ability to effectively implement City Commission visionary policies and goals must likewise be communicated by the City Manager to the City Commission in a timely manner.

Record of the Commission

A journal, hereinafter known as “the minutes,” of the proceedings of each meeting in the English language shall be kept by the City Commission. The minutes of the meeting are to reflect the action and not the discussion of the City Commission. If a member of the public wishes for their comments or questions to be included in the official record of the Commission, also known as “the minutes,” such comments or questions shall be submitted to the presiding officer at the start of the individual’s comments. All such submitted comments shall be limited a one single-spaced page. Per the Open Meetings Act the minutes must contain the following details:

- The meeting date, time, and location.
- Members present, absent, or excused.
- Results of all Roll Call votes.
- Purpose for which a Closed Session was held.
- Action taken by, or decisions made by, the City Commission.

A voice vote on all motions, proposed ordinances and resolutions shall be taken by “YES” and “NO” vote and the vote entered into the minutes. In all cases where a vote is taken, the presiding officer shall declare the result of the vote. Members shall not abstain from voting unless such abstention has been approved as required by the City Charter.

A Roll Call vote shall be taken on the following items; all matters involving the finances or spending of public funds, all resolutions, and all ordinances.

Motions and Parliamentary Procedure at all meetings of the Commission shall follow Roberts Rules of Order.

A record shall be taken of all meetings and the actions taken at these meetings. The names of Commissioners present and absent will be part of the minutes. Additionally, any individual addressing the Commission shall have their name(s) entered into the minutes. The minutes will be signed by the Mayor, or presiding officer, and the Clerk.

A public body shall make proposed minutes available for public inspection within eight (8) business days after the meeting to which the minutes refer. The public body shall make approved minutes available for public inspection within five (5) business days after the meeting at which the minutes are approved by the public body.

Committees

The following is a list of City Commission Sub-Committees with their approximate meeting time:

- Planning Commission
 - Meets 1st Thursday of each month (if needed).
- Parks and Recreation Board
 - Meets on the 3rd Wednesday of the odd-numbered months.
- Parking Committee
 - Meets as needed (maybe once per year).
- Library Board
 - Meets the 2nd Thursday of each month.
- Cable Television Committee
 - Meets as needed.
- Exterior Property Maintenance Ordinance Citizens Review Panel
 - Meets as needed.
- Ambulance Board
 - Meets monthly.
- City/Bingham Township Subcommittee
 - Meets as needed.
- Fire Subcommittee
 - Meets as needed (at least once per year).
- Clinton County Economic Alliance
 - Meets monthly.
- School Subcommittee
 - Meets as needed.

- Property Review Committee
 - Meets as needed.
- Streets/Utilities/Public Services Committee
 - Meets as needed.

Maintaining Order

All Commissioners shall have the responsibility to preserve order and will refrain from conducting themselves in any manner, overtly or covertly, that will delay, impede or interrupt the proceedings of the Commission.

The presiding officer has the responsibility to recognize a Commissioner's right to speak before the body. A Commissioner should not speak more than once on a particular subject until every other Commissioner has had the opportunity to speak.

Each Commissioner shall have the right to speak on any subject before the Commission unless precluded by ethical, financial or legal conflicts or subjects concerning their personal conduct.

Any member, duly recognized shall be allowed to speak on the topic under discussion for the prescribed time and be interrupted only in accordance with Robert's Rules of Order. If a member is judged to be out of order, he/she must change their remarks or surrender the right to continue speaking.

Proclamations, which are formal announcements or recognition made by the City Commission, shall be included in the agenda under "Reports."

Specific requests or proposals that are presented to the Commission for consideration and possible action must be introduced in the form of a motion. For the proper presentation and disposition of most motions, 11 separate steps are required.

Proceedings

Regular Meeting Schedule

Meetings of the City Commission are held the 2nd and 4th Monday of the month (except in December only one meeting is held on the 2nd Monday of the month) at 6:00 p.m. Said meetings will be held in the Clinton County Courthouse, 2nd Floor, Suite 2200, unless otherwise provided and publicized in advance.

If there is a change in the schedule of regular meetings of the City Commission, there shall be posted within three days after the meeting at which the change is made, a public notice stating the new dates, times, and places of its regular meetings.

Special Meetings

The Mayor shall call special meetings of the Commission whenever they believe the public business may require it or at the express written request of any one member of the Commission. Whenever a special meeting shall be called, a summons or notice in writing signed by the Mayor shall be served upon each member of the Commission either in person or by notice left at his place of residence, stating the date and hour of the meeting and the purpose for which such meeting is called, and no business shall be transacted thereat, except such as is stated in the notice.

City Commission Meeting Packet

Meeting packets are available for commissioner review the Thursday afternoon before the Monday meeting date. The packet for all meetings shall contain all business information related to the meeting including the proposed meeting agenda and all matters proposed to be considered at the meeting plus their supporting documents. The City provides a Chromebook for all commissioners to assist accessing these documents and for all City Commission business.

Quorum

A majority of all the members elected to the Commission shall constitute a quorum at any regular or special meeting of the Commission. In the absence of a quorum, the presiding officer shall adjourn the meeting to another date.

Presiding Official

The Mayor, or in his absence, the Vice-Mayor, shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Commission to order. In the absence of the Mayor or Vice-Mayor, the City Clerk shall call the Commission to order, whereupon a temporary chairman shall be elected by the members of the Commission present. Upon the arrival of the Mayor or Vice-Mayor, the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the Commission. The City Clerk or his deputy shall enter the names of the Commissioners present in the minutes.

Meeting Structure

All meetings of the City Commission shall be open to the public and held in compliance with the Michigan Open Meetings Act. Promptly at the hour set on the day of each regular meeting, the members of the City Commission, City Manager, City Clerk and City Attorney shall take their regular stations in the Commission Chambers or other location as may be properly selected by the City Commission, and the business of the City Commission shall be taken up for consideration and disposition in the following order.

- I. Opening:
 - a. Invocation;
 - b. Pledge of Allegiance;
 - c. Consideration of approval of consent agenda items;
 - d. Approval of agenda.
- II. Public hearings.
- III. Persons wishing to present testimony.
- IV. Communications.
- V. Old business.
- VI. New business.
- VII. City Commissioner comments.
- VIII. Adjournment.

The City Commission may, at its discretion, adjust the order of items on the agenda of a given meeting.

Formal Rules of Debate

Presiding officer may debate and vote and the like - The Mayor or such other member of the Commission as may be presiding may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Commissioner by reason of his acting as the presiding officer.

Getting the floor - improper references to be avoided. Every member desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.

Interruptions - A member, once recognized, shall not be interrupted when speaking unless it be to call him to order or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed.

Privilege of closing debate - The Commissioner moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

Motion to reconsider - A motion to reconsider any action taken by the Commission may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof, such motion must be made by one of the prevailing side, but may be seconded by any member and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Commission from making or remaking the same or any other motion at a subsequent meeting of the Commission.

Remarks of Commissioner when entered in minutes - A Commissioner may request, through the presiding officer, the privilege of having an abstract of his statement on any subject under consideration by the Commission entered in the minutes. If the Commission consents thereto, such statement shall be entered in the minutes.

Synopsis of debate when entered in minutes - The Clerk may be directed by the presiding officer, with consent of the Commission, to enter in the minutes a synopsis of the discussion on any question.

Parliamentary Procedure

Parliamentary procedure in Commission meetings shall be guided by “Robert's Rules of Order Newly Revised, 10th edition (2000) or as amended.”

Any matter before the Commission shall be brought by a motion of a Commissioner. Motions shall consist of four classes: main motions, subsidiary motions, privileged motions, and incidental motions.

The following are division of the types of motions:

- I. Privileged Motions
 - a. Adjourn
 - b. Recess
 - c. Question of Privilege
- II. Subsidiary Motions
 - a. ‘Lay on’ the Table (this is not debatable)
 - b. Vote Immediately
 - c. Limit or Extend Debate
 - d. Postpone to Specific Time
 - e. Refer to or Remove from Committee
 - f. Amend or Substitute
 - g. ‘Take from’ Table
- III. Main Motion
 - a. General Main Motion or Restorative Main Motion
- IV. Incidental Motions
 - a. Appeal
 - b. Point of Order
 - c. Parliamentary Inquiry
 - d. Withdraw a Motion
 - e. Suspend Rules
 - f. Division of Question
 - g. Division of Assembly

Ordinances, Resolutions, Motions, and Contracts

Preparation of ordinances - All proposed ordinances shall either be prepared by the City Attorney, or approved by the City Attorney, before presented for consideration to the Commission. No ordinance shall be prepared for presentation to the Commission unless ordered by a majority vote of the Commission or requested in writing by a Commissioner, the Mayor, City Manager or prepared by the City Attorney on his own initiative.

Prior approval by administrative staff - All ordinances and contract documents shall, before presentation to the Commission, have been approved as to form and legality by the City Attorney or his authorized representative and shall have been examined for administration by the City Manager where there are substantive matters of administration involved.

Introducing for passage or approval –

- I. Ordinances, resolutions and other matters or subjects requiring action by the Commission must be introduced and sponsored by a member of the Commission, except that the City Manager or City Attorney may present ordinances, resolutions and other matters or subjects to the Commission, and any Commissioner may assume sponsorship thereof by moving that such ordinances, resolutions, matters or subjects be adopted; otherwise, they shall not be considered.
- II. No ordinance shall be put on its final passage on the same day on which it was introduced, except those declared emergency measures by the Mayor in writing.
- III. All ordinances shall have two separate readings, but shall not be on the same day, except emergency ordinances.
- IV. When practicable, all ordinances shall be introduced as amendments to existing chapters of this code or sections thereof. Any resolution providing for the appropriation of money shall designate the particular fund from which the appropriation is to be made and shall not be granted immediate consideration unless the votes of the number of members required for the affirmance of such resolution shall be cast in favor of immediate consideration. An objection voiced by one member shall require a roll call upon the motion for immediate consideration. If no objection is voiced the Clerk shall record an unanimous consent to the motion for immediate consideration and the presiding officer shall proceed to state the principal question.

Voting

Required Vote of Members Present

Unless otherwise stated in these rules, required by ordinance, charter, or by state or federal law, the passage of all matters before the City Commission shall require the affirmative vote of four (3) members present at any meeting. Both the Mayor and Vice-Mayor shall have a vote, even when presiding over the meeting.

Calling for the Vote

The Mayor or member presiding over the Commission meeting shall call for a voice vote for and against the matter, by “yes” and “no” responses. If on a voice vote no Commissioner states opposition to the motion, it shall be deemed to have passed unanimously. In the event any two (2) or more commissioners vote contrary to the majority in that a voice vote does not produce a clear distinction to any proposition, a “show of hands” shall be conducted and recorded in the minutes of the meeting.

Roll Call Vote

Where required by these rules, ordinance, or charter; a roll call vote shall be taken of the City Commission. The roll will be called, in alphabetical order, and each new roll call vote will start with the next Commissioner whose name is in alphabetically descending order. The City Mayor will vote last on roll call votes and will not be considered in the alphabetical list of Commissioners for roll call voting.

Abstentions

Commissioners present at the meeting shall vote on all questions unless a clear, legally recognized conflict of interest for any member of the Commission exists. A conflict of interest, as defined by law, shall be the sole reason for a member to abstain from voting. The opinion of the City Attorney shall be binding on the Commission with respect to the existence of a conflict of interest. A vote may be tabled, if necessary, to obtain the opinion of the City Attorney.

A Commissioner who is present and abstains without any legally recognized obligation to do so, or does not respond to a roll call vote, shall be counted as voting with the prevailing side and shall be so recorded, unless otherwise excused or prohibited by law from voting. In the case of

a tie vote, any abstaining commissioner (s) shall be counted as voting in the affirmative for the question.

The right to vote is limited to the member of the Commission present at the time the vote is taken. Voting by proxy or by telephone is not permitted.

If a Commissioner is legally obligated to abstain on an issue before the Commission, the Commissioner in question must disclose this obligation prior to any Commission discussion on the issue. Furthermore, any Commissioner who must abstain from a vote may not participate in discussion or formulation of any motion on the matter from which they must abstain.

Conduct Guidelines

Michigan Open Meetings Act

All actions of the City Commission must follow the guidelines of the Michigan Open Meetings Act. The Open Meetings Act (OMA) was written in 1976, as was the Freedom of Information Act. These two laws, known as Michigan's "sunshine laws," are designed to make government processes and information more open to the public. Both laws were written in the post-Watergate, post-Vietnam war era.

It is important to keep in mind that the OMA applies to governmental bodies, those "empowered by state constitution, statute, charter, ordinance, resolution or rule to exercise...governmental authority." It does not apply to corporations, non-profits, churches or the like.

The law guarantees several rights of citizens. The public has a right to record meetings, within the bounds of reasonable rules which the public body may write to minimize disruption of the meetings. The public, likewise, has a right to address the public body, also within the bounds of rules written to facilitate orderly meetings and protecting everyone's right to address the board. An individual can only be removed from a meeting for a breach of the peace committed at that meeting.

Social or chance gatherings, or conferences which are not intended to avoid the OMA, are exempt. These types of gatherings often are treated with suspicion by the press and the public. It is important for public bodies to be careful not to discuss government business during these gatherings. This can be accomplished by paying careful attention to what the OMA says about deliberations and decisions.

The Freedom of Information Act

As Commissioners, your actions during meetings are subject to the Freedom of Information Act. Understanding the Act and what pieces of information it applies to is crucial to a transparent development process. Information created or presented under the following circumstances are included under the Freedom of Information Act.

ANY gathering, including work sessions, of the Commission, sitting (or through telephonic or video equipment) as the commission or an informal assemblage of:

- (i) as many as three members, or
- (ii) a quorum, if less than three, of the constituent membership,

WHEREVER the gathering is held;

WITH or WITHOUT minutes being taken; **AND**

WHETHER OR NOT votes are cast.

NOTE: This also applies to ANY meeting, including work sessions, of any subgroup of the commission.

WHAT IS NOT A MEETING?

The gathering of employees; or

The gathering or attendance of two or more commissioners at:

Any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business; OR

WHAT IS **NOT** A MEETING (cont'd)

A public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to discuss or transact public business.

OTHER FOIA PROVISIONS

MINUTES: ARE REQUIRED for any meeting of the commission.

Minutes are also required for any subcommittee thereof **ONLY** if a majority of the commissioners are on the subcommittee.

VOTING: NO secret or written ballots are ever allowed.

CLOSED MEETINGS: Allowed **ONLY** as specifically authorized by FOIA and require motion stating purpose.

NOTES and RECORDS: If referred to or passed between members, your notes and records are subject to FOIA.

EMAILS: Any email to a majority of the commission or directed towards a decision of the commission is subject to FOIA. **REPLY ALL** responses are subject to FOIA and are to be avoided.

Ethics

Elected officials, appointees, and city employees, by virtue of their positions, are trustees of the public, chargeable with honesty, integrity, and openness in their handling of public affairs. When conduct inconsistent with this expectation occurs, public suspicion is heightened and public confidence is compromised. Where government is founded upon the consent of the governed, it is critical that each citizen have complete confidence in the integrity of the government. Each public official, appointee, and/or employee must endeavor to earn and honor the public trust in the conduct of all official duties and actions. The purpose of this chapter is to define standards of ethical conduct that are clearly established and uniformly applied and for enforcement of same. All ethical standards of conduct can be seen defined in chapter 37 of the City Code.

Board of Ethics

Purpose - There shall be created a Board of Ethics, the purpose of which is to review complaints of ethics violations allegedly committed by elected and non-elected officials, to issue findings and conclusions on same when deemed appropriate, to refer out ethics complaints to the appropriate official or the City Commission when necessary, and to prepare advisory opinions regarding ethical issues when solicited to do so by the City Manager, a city employee, a non-elected official, or a member of the City Commission. The City Attorney will advise the Board of Ethics when asked and attend its meetings upon request. The City Clerk will serve as Secretary to the Board, but without voting rights.

Board composition and term of office - There shall be four citizen members and one Commissioner on the board, appointed to three year terms, except for those first appointed, of whom two shall serve three years, two shall serve two years and one shall serve one year. Nominations shall be made by the full City Commission and ratified by majority vote of the same. Members must be residents of the city. Initial nominations shall be made within 60 days of the effective date of this chapter. Vacancies shall also be filled in this same manner and within 60 days of the vacancy. The Board will have its first meeting within 30 days following ratification of membership for the purpose of organizing, making rules of procedure, as well as reviewing this chapter. Thereafter it shall meet as a board as needed. The Chairman of the Board of Ethics or any Commissioner can call for a Board meeting by scheduling same through the City Clerk. If an ethics complaint is forwarded to the Board for consideration, it shall convene a meeting to review said complaint within 14 days of receipt.

Powers and duties - In addition to any powers and duties described above, the Board of Ethics shall have the power to:

- I. Receive requests for advisory opinions from city officials and employees;
- II. Review and consider complaints alleging unethical conduct by a city official if properly referred;
- III. Refer complaints of alleged unethical conduct to the City Attorney, law enforcement, and/or the City Commission for investigation when further investigation appears warranted; and
- IV. Issue non-binding findings and conclusions regarding alleged unethical conduct, which in turn will be considered either for ratification and/or as the basis further action by the City Commission.

City Manager Training Session

Within one month of the start of your appointment, a mandatory training session will be scheduled with you by the City of St. Johns Manager. At that training, specific information and direction on complying with the Open Meetings Act will be provided. This training will also cover Freedom of Information Act requirements, as well as the ethical standards and expectations of the City as they apply to your appointment to the City Commission. Should you have any questions or concerns in these areas following that training, they may be directed to the City Manager for direct answer.

Attendance at Meetings

To the extent possible, prospective absences and the reason for absence shall be reported to the City Manager before the meeting, who shall direct the Clerk to record the reason within the minutes of the meeting. The Commission, by resolution, may decline to excuse the absence of any elected official or appointed officer from a meeting.

- A. *Mayor and Commission.* The Mayor and members of the City Commission shall attend all meetings of the Commission.
- B. *Clerk.* The Clerk shall attend all meetings of the Commission and shall keep the minutes of the meeting and perform such other duties as may be requested by the Commission.
- C. *Treasurer.* The Treasurer shall exhibit to the Commission within 45 days after the end of the City's fiscal year, and as often and as the Commission shall require, a full and detailed account of receipts and disbursements of the 's treasury.
- D. *City Attorney.* The City Attorney shall attend meetings of the Commission, upon request, and shall give opinions (either written or oral) on questions of law.

- E. *City Manager*. The City Manager shall attend all meetings of the Commission. Before each meeting the City Manager shall prepare the agenda and obtain reports for business matters and other items to be presented to the Commission.
- F. *Other City Officers and Staff*. The Commission may also require the attendance of any department head or employee of the City upon request.

Being an Effective Participant

Before the Meeting:

- Come to the meeting with questions in mind. Make note of problems or questions and offer them for discussion. Study the agenda in advance.

During the Meeting:

- Listen thoughtfully and critically to others. Try hard to get the other person's point of view. Don't accept ideas that seem unsound, but remember: on almost every question there are several points of view.
- Don't fight over the ownership of ideas. Once you have given your ideas to the group, it becomes group property. Don't argue just because it was yours.
- Speak your mind freely. The meeting is yours – a chance for you to say what you think. SAY IT! Speak so everyone can hear.
- Don't monopolize the discussion. Don't speak for more than a minute or so at a time. Make your point in a few words, then give someone else a chance. Don't make a speech.
- Don't let the discussion get away from you. If you don't understand, say so. Ask questions or for examples and cases.
- Don't engage in side conversations with your neighbor. It is rude and distracting.
- Take part in friendly disagreement. When you are on the other side of the fence, say so and tell why, but in a friendly way. Avoid win-lose confrontations.
- Strike while the idea is hot! If you wait until "later", you may forget your point or it may no longer be relevant to the discussion.
- Be action-minded! Try to relate discussion to action. Wise action is the true purpose of group discussion.
- Above all, develop in yourself that rarest of communicative art – the art of listening.

After the Meeting:

- Ask yourself – **WHAT DID I CONTRIBUTE**