

EMPIRE VILLAGE COUNCIL WORK SESSION
March 14, 2024 @ 7 PM
Empire Township Hall - 10088 W. Front Street

AGENDA

A. CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

B. ROLL CALL

C. CHANGES OR ADDITIONS TO THE AGENDA

D. ADOPTION OF THE AGENDA

E. PUBLIC COMMENTS ON AGENDA ITEMS

F. COMMUNICATIONS

G. PRESENTATIONS

- A. Wilco Road Plan – Engineer and Environmental update for the runoff on Wilco, Washington and Aylsworth Streets (Gosling Czubak & Grobbel Environmental)
- B. South Bar Lake Quality Report – A 2023 update from Grobbel Environmental regarding the status of South Bar Lake (Dr. Grobbel)

H. PUBLIC COMMENT OF PRESENTATIONS

I. DEPARTMENT HEAD REPORTS

J. COUNCIL MEMBER / COMMITTEE REPORTS

K. OLD BUSINESS

- 1) Approve Minutes: Special Meeting 02/23/2024, Closed Meeting 02/23/2024, Special Meeting 02/28/2024, Closed Meeting 02/28/2024, Budget Hearing and Regular Meeting 02/28/2024
- 2) Rules of Procedure Review (Palmer)

L. NEW BUSINESS

- 1) Request from Planning Commission to Increase Budget for Professional Services (Bacon)
- 2) Water Utility Customer ACH Payment Option (Acton)
- 3) Personnel Pay Raises for FY 2024-25 (Walton)

M. PUBLIC COMMENT

N. COUNCIL MEMBER COMMENT

O. ADJOURNMENT

Village of Empire Deputy Clerk

From: Sue Palmer <s.palmer@villageofempire.com>
Sent: Wednesday, March 6, 2024 7:01 PM
To: Derith Smith; Alacia Acton
Subject: Fwd: Village council decision and the decision-making process

FYI

----- Original Message -----

From: ED PEPLINSKI <epeplinski@comcast.net>
To: "s.palmer@villageofempire.com" <s.palmer@villageofempire.com>,
"m.bacon@villageofempire.com" <m.bacon@villageofempire.com>,
"m.walton@villageofempire.com" <m.walton@villageofempire.com>,
"t.rademacher@villageofempire.com" <t.rademacher@villageofempire.com>,
"l.chase@villageofempire.com" <l.chase@villageofempire.com>,
"c.webb@villageofempire.com" <c.webb@villageofempire.com>,
"m.dye@villageofempire.com" <m.dye@villageofempire.com>
Date: 03/06/2024 5:10 PM EST
Subject: Village council decision and the decision-making process

To: The Village Council of Empire,

I am part of a 5th generation Leelanau County family, and current full-time resident of Empire village.

I am a retired Air Force officer.

I graduated college with a Business Management degree.

19 years ago I started, and still run today, a successful Veteran-owned business.

It is my opinion that the purchase of Field Trip is not a good business decision for the majority of Empire citizens, tax payers and voters.

I am both sad and disappointed in the process used to make this purchase decision.

How can the purchase of this property at a cost upwards of 1/2 million dollars, to have an office for 2 part-time village employees, possibly be a good decision?

I ask the council to add to New Business topics for the next Regular Council meeting (3/14), an explanation for the process used and explanation as to why this purchase was made, in private, and without asking residents for input? Although legal, this seems morally wrong not to include the taxpayers who fund these.

Further I ask that you add to New Business topics a "going forward" plan to cap independent council spending decisions at \$49,000.

Projects and decisions above this amount would require a voting issue put forth to the tax payers to verify majority support.

I want to believe that all council members are good caring people who want the best for the majority of the village.

However, this decision creates a "lack of confidence" with me.

I welcome a discussion with council members and village residents to ensure majority support on these big decisions for a small village.

Sincerely,

vc 3/14/24

Village of Empire Deputy Clerk

From: Maggie Bacon <m.bacon@villageofempire.com>
Sent: Friday, March 8, 2024 11:53 AM
To: Alacia Acton; Derith Smith
Subject: Fwd: Re: Purchase of Property - GLVA

Please make sure this is included in our packets.

> ----- Original Message -----

> From: "Timothy J. Figura" <TFigura@mikameyers.com>

> To: Maggie Bacon <m.bacon@villageofempire.com>

> Cc: Sue Palmer <s.palmer@villageofempire.com>, Chris Webb <c.webb@villageofempire.com>, Derith Smith <clerk@villageofempire.com>

> Date: 03/07/2024 1:06 PM EST

> Subject: Re: Purchase of Property - GLVA

>

>

> Hi Maggie,

>

> An appraisal is not required under the GLVA or the Municipal Finance Act.

>

> Best,

>

> Tim

>

>> On Mar 7, 2024, at 12:30 PM, Maggie Bacon <m.bacon@villageofempire.com> wrote:

>>

>>

>> Tim,

>>

>> The folks who have been helping the Village with planning for a new village office asked a question today in our meeting. Sue was unable to join us, but she is included in this email.

>>

>> The question: Does the General Law Village Act have any requirements for an appraisal for property being purchased by a GLVA Village?

>>

>> I found a these references related to the purchase of property:

>> 65.5 (2) "... real estate purchased ... (sic) (requires) a majority vote of the members of council."

>> 67.4. "A Village may acquire, purchase, and erect public buildings required for the use of the Village and may purchase, appropriate and own real estate necessary for public grounds, parks, markets, public buildings, and other such purchases necessary or convenient for the public good and for the exercise of the powers conferred in this act."

>>

>> I wasn't sure if the Revised Municipal Finance Act (Act 34 of 2001) might have something, but my non legal mind didn't see anything related there.

>>

>> Thanks,

>>

>> Maggie Bacon

>>

Village Council of Empire and Short Term Rental Committee;
(Please read at both council and committee)

It is ironic to read the quote from Meg Walton on the front of the Leelanau Enterprise last week regarding short term rentals (STR) in Empire - "I think the biggest surprise is how much misinformation is going around..." - despite the STR report she coauthored concluding that no problems (past or present) with STRs exist in the Village of Empire. Village Council trustees Walton and Dye are basing the committee's work on hearsay which they repeatedly refer to during meetings but for which they have never provided any evidence.

It is unfortunate that the work of the STR committee to date is based on a back of the envelope, unverified estimates of STRs in Empire. As STR owners in Empire, we were never surveyed about our STR and rental experience, nor were any of the other STR owners with whom we have spoken.

Empire is a seasonal village and no action on STR regulation should be taken until 1) the majority of property owners are present and able to participate in the discussion (i.e., in the summer) and, 2) an independent survey of all property owners can be conducted so that decisions can be based on facts rather than conjecture.

The Village Council should not be rushing to enact a policy that flies in the face of the kind of small town, neighborly, welcoming resort community that Empire has always been. That is the character we should be trying to preserve.

- Concerned Citizens of Empire- -Dave Taghon- Michigan St -Mark & Tina Dunphey- Zelmer St
- Holly Decker- E Front St



PLANNING COMMISSION 2023 ANNUAL REPORT

Covering activity from January 1 to December 31, 2023

The Michigan Enabling Act states that "A planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development."

Introduction:

The Planning Commission is an important part of the Village of Empire and its operations. The Michigan Planning Enabling Act No. 33 of 2008 (MPEA) is the foundational statutory authority for the Planning Commission. MPEA allows for the establishment of local planning commissions, master plans, and other associated activities. The Village of Empire Planning Commission is established in Village Ordinance No. 117 of 2008.

The Village of Empire Planning Commission consists of seven members who shall be representative of important segments of the community. Commissioners are appointed by the Village President subject to approval by a majority vote of the Village Council. Other than ex officio members, members serve a term of three years.

Matters to be considered by the Commission:

- Developing the community's master plan which provides a framework for orderly growth and redevelopment.
- Creating a zoning ordinance to translate master planning goals to land use regulations.
- Reviewing and approving development requests.
- Drafting a capital improvements plan.
- Studying special topics or conducting other special projects as requested by Village Council.

Membership:

In 2023, the following Planning Commission members presided:

Name	Meetings Attended	Member Since	Term Expiration
Peter Schous, Chair	8/8	12/2014	02/29/2024
John Collins, Vice Chair	6/8	05/2020	02/28/2025
Margaret Ellibee, Secretary	7/8	03/2023	02/28/2026
Robert Chase, Treasurer	8/8	12/2020	02/29/2024
Maggie Bacon, Ex Officio Member	8/8	12/2014	11/30/2023
Phil Deering	7/8	03/2000	02/28/2025
Steve Stepanek	5/5	03/2023	10/04/2023
Carey Ford	1/1	12/2023	02/28/2026

Meetings:

The Planning Commission typically meets once per month on the first Tuesday of the month at 7:00 p.m., in the Empire Township Hall, 10088 W. Front Street, Empire, MI 49630. (Specific dates and times can be found on the village website and are subject to change). All meetings are open to the public.

The MPEA requires that local Planning Commissions meet at least four times a year. The Village of Empire Planning Commission held a total of 8 meetings in 2023.

Meeting Date	Summary
March 7	New Member Binders, Sign Ordinance, Recreation Plan
April 4	Sign Ordinance, Discussion to Codify the Zoning Ordinance
May 2	Sign Ordinance
June 6	Sign Ordinance
September 5	Sign Ordinance, Master and Recreation Plan, RRC Essentials Update
October 3	Sign Ordinance, Recreation Plan
November 1	Recreation Plan
December 13	Renovare Presentation for new Village Office, Zoning Amendment Request in LI District, Short-term Rental Committee Appointments, Recreation Plan

Planning Commission Actions:

Some highlights from the Commission's actions in 2023 are as follows:

MASTER PLAN STATUS

The Planning Commission is responsible for regularly reviewing and updating the master plan to ensure it continues to be relevant to the community's needs. The community's current master plan was adopted on September 24, 2019 and amended to include an addendum on Coastal Community Resiliency on September 1, 2020. The MPEA requires a formal review (and update or reaffirmation) occur at least every five years.

In addition to the MPEA required five -year review, the community's efforts to maintain alignment with the Redevelopment Ready Communities Best Practices includes annual progress assessments to determine if the community is on track for meeting the plan's goals and actions.

In order to align with RRC expectations the following item needs to be addressed:

While the plan identifies goals, objectives and actions, there is no timeline or responsible parties. An action-oriented plan that has timelines and responsible parties helps drive the implementation of the plan. This can be created using a separate document and reviewed annually.

The Planning Commission will be performing a full five-year review of its master plan in 2024.

ORDINANCE AMENDMENTS

None.

ZONING MAP AMENDMENTS

None.

DEVELOPMENT APPLICATION REVIEWS

None.

REDEVELOPMENT READY COMMUNITIES

Village Council adopted a resolution on September 14, 2023, that authorizes the Village of Empire to participate in the Michigan Economic Development Corporation (MEDC) Redevelopment Ready Communities (RRC) Program. The program has two paths, the Essentials Path and the Certified Path. Empire has selected the Essentials Path. The baseline evaluation of Empire's alignment with the RRC has been completed and a community snapshot has been prepared by the MEDC community planner. Currently, Empire is fully aligned with 26% of the Redevelopment Ready Communities expectations. 2024 will provide opportunities to integrate and implement these RRC Best Practice expectations.

Planning Commission Sub Committee Activity:

Sign Ordinance Sub Committee: 06/14/2023, 07/17/2023

The Sign Ordinance Sub-committee was formed to revise and recommend a Sign Ordinance for Planning Commission consideration. Members Chase, Stepanek, and Ellibee worked on this committee.

Zoning Board of Appeals Activity:

The Zoning Board of Appeals (ZBA) is tasked with hearing appeals, zoning ordinance interpretations, and variance requests. It consists of five members and two alternates who would be assigned to a meeting in the event a regular member is absent or has a conflict of interest. No cases for appeals, interpretations, or variance requests were heard by the ZBA in 2023.

Section 9.02.1 of the Village of Empire Zoning Ordinance allows for the adoption of ZBA rules or procedures that may be necessary to conduct its meeting and carry out its function. In 2017, a draft ZBA Bylaws document was prepared. The ZBA should review this draft and adopt its Bylaws to fulfill the RRC Best Practices requirement.

Zoning Administrator Activity:

PERMIT #	TYPE	ZONE	PARCEL ID #	NAME(last) NAME(first) - BLDR	SITE ADDRESS / LOCATION
2023-01	ND	PUD	45-041-550-059-00	McNutt, Stephen and Sharon-Pathway Homes	9974 W. South Street
2023-02	SIGN	G-RES	45-041-719-011-00	St. Philip Neri Catholic Church	11411 S. LaCore Street
2023-03	FM-MKT	FSD	45-041-824-009-10	Leelanau Farmers Markets Baril, Bob	N/A - West Front Street
2023-04	RA	G-RES	45-041-824-052-00	Greisiger, Joe	11472 S. Lacore Street
2023-05	RA	PUD	45-041-550-005-00	Evans, James and Kaye	9888 Wilce Street
2023-06	TEMP	REC-CON	WITHDRAWN	Quinn, Robert - Benzie Community Band	Niagra Street- S. Bar Lake
2023-07	RA	V-RES	45-041-702-018-00	Jacob, Karen and Cortright, David	10138 W. Wilce Street
2023-08	SIGN	FSD	45-041-702-022-00	Glen Lake Community Library	10115 N Front Street
2023-09	FENCE	G-RES	45-041-719-011-00	St. Philip Neri Catholic Church	11411 S. LaCore Street
2023-10	ND	PUD	45-041-325-065-00	Ford, Carey	11757 S. Roen Road
2023-11	RA	VR	45-041-300-058-00	Weber, Tima and Beth	11857 S. Lake Street
2023-12	RAD	G-RES	45-041-200-002-00	Schueller, Guy and Nikki	11231 S. LaCore Street
2023-13	RA	PUD	45-041-550-020-00	Greenwoods of MI, LLC-Ernst, Dan and Jeanne	11914 S. Ontario Street
2023-14	ADU	G-RES	45-041-824-037-00	Chase, Robert and Linda	11364 LaCore Street
2023-15	C-ACC	G-COR	45-041-719-003-01	Blarney Castle EZ Mart	9988 W. Front Street
2023-16	DECK	G-RES	45-041-730-003-00	Palmer, Sue	12089 S. Wood Street
2023-17	FENCE	G-RES	45-041-103-011-00	Stacewicz, Ricahard and Goethals, Ann	10125 Washington Street
2023-18	SPR	G-COR	45-041-036-00 and 049-00	VanEsley, Joseph and Elizabeth	10017 W. Front Street
2023-19	ADA	G-RES	45-041-703-007-00	Baker, Trish - North Coast Cont.	10185 W. Wilce Street
2023-20	ND	G-RES	45-041-500-045-00	Heart & Homes LLC	11530 S. Crescent Drive
2023-21	ND	G-RES	45-041-500-046-00	M22 Development	11524 S. Crescent Drive
2023-22	ND	G-RES	45-041-500-048-00	M22 Development	11512 S. Crescent Drive
2023-23	ND	G-RES	45-041-400-049-00	M22 Development	11506 S. Crescent Drive
LD-2301	LD	PUD	45-041-450-007-00	Ford, Carey and Surber, Don-Trust	Lots 7 and 10 of Storm Hill Subdivision

Trainings:

Training is essential to providing the community with the tools needed to achieve local goals. The Planning Commission's training plan encourages commissioners to attend at least one training session or conference annually.

Member	Summary of Training and Seminars
Peter Schous	
John Collins	
Margaret Ellibee	Planning and Zoning Essentials, Housing North Conference Oct 26-27, OMA and FOIA Training Mar 29
Robert Chase	OMA and FOIA Training Mar 29
Maggie Bacon	OMA and FOIA Training Mar 29
Phil Deering	
Carey Ford	
Alacia Acton (Staff)	RRC Training

Looking Ahead to 2024

The Planning Commission can look forward to the following objectives in 2024:

- Hold a public hearing on the Sign Ordinance and recommend to Village Council for approval. Remove it as a Village Ordinance and incorporate it back into the Zoning Ordinance.
- Consider a Zoning Amendment request in the Light Industrial District.
- Updates to the Zoning Ordinance as determined necessary.
- Begin the 5-year review and update of the Master Plan and Recreation Plan.
- Work on action items to achieve Redevelopment Ready Communities Essentials status.
- Training opportunities.

FEBRUARY 24, 2024 – EMPIRE VILLAGE COUNCIL SPECIAL MEETING

The meeting was called to order at the Empire Township Hall by Palmer at 10:00 a.m. Upon a roll call, Council members Bacon, Chase, Dye, Palmer, Rademacher, and Walton were present. Webb was excused. Attorney Tim Figura was also present.

Motion by Bacon, supported by Rademacher to adjourn to a closed session per MCL 15.268(d) to consider the purchase or lease of real property. ROLL CALL: Ayes: Walton, Bacon, Chase, Dye, Palmer, and Rademacher. Nays: None. MOTION PASSED.

Meeting adjourned to a closed session at 10:01 a.m.

Meeting reconvened at 11:21 a.m.

Motion by Bacon, supported by Rademacher to direct Attorney Figura to take the steps as discussed in closed session. ROLL CALL: Ayes: Walton, Bacon, Chase, Dye, Palmer, and Rademacher. Nays: None. MOTION PASSED.

PUBLIC COMMENT

John Collins stated he has ideas for Renovare and the development of a new village building. Claudia Bomersback and Wendy Peplinski commented on the notice of the special meeting. Margaret Ellibee recommended considering a community educational session.

COUNCIL COMMENTS

Walton and Bacon described the permissible purposes, as stated in the Open Meetings Act, that a public body may enter into a closed session.

ADJOURNMENT at 11:28 a.m.

Alacia Acton

Empire Village Deputy Clerk

These are draft minutes for approval at the March 14, 2024, Council meeting.

FEBRUARY 28, 2024 – EMPIRE VILLAGE COUNCIL SPECIAL MEETING

The meeting was called to order at the Empire DPW Garage by Palmer at 3:00 p.m. Upon a roll call, Council members Bacon, Chase, Dye, Palmer, Rademacher, Walton, and Webb were present. Attorney Tim Figura was also present.

Motion by Bacon, supported by Dye to adjourn to a closed session per MCL 15.267 and specifically per MCL 15.268(d) to consider the purchase or lease of real property. Upon a unanimous voice vote, MOTION PASSED.

Meeting adjourned to a closed session at 3:02 p.m.

Meeting reconvened at 4:52 p.m. Upon another roll call, members Bacon, Chase, Dye, Palmer, Rademacher, Walton and Webb were still present. Attorney Tim Figura was also present.

Motion by Bacon, supported by Rademacher to approve Resolution No. 7 of 2024: Approval of the acquisition of property and matters related to that. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.

ADJOURNMENT at 4:54 p.m.

Derith Smith

Empire Village Clerk

These are draft minutes produced from a tape for approval at the March 14, 2024, Council meeting.

February 28, 2024 – EMPIRE VILLAGE COUNCIL REGULAR MEETING

The Budget Public Hearing was called to order at 7:00 p.m. by President Palmer.

PUBLIC COMMENT – A letter from Teresa Howes was read aloud and included as a handout. Karen Baja voiced opposition to an across-the-board wage increase and opposition to hiring current contracted professionals to work on the Master Plan update.

Hearing closed at 7:06 p.m.

The Regular meeting was called to order at the Empire Township Hall and the Pledge of Allegiance was led by Palmer at 7:06 p.m. Upon a roll call, Council members Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Clerk Smith, Treasurer Acton and DPW Superintendent Friend were absent and excused.

CHANGES/ADDITIONS TO AGENDA – Dye requested at least a 2-month extension of the Short-Term Rental Committee be added to the agenda under Old Business. Rademacher pointed out that she knew 2 weeks ago an extension was needed and for transparency this should have been on the agenda and posted for public notice. Dye confirmed that was true.

ADOPTION OF AGENDA - Motion by Dye, support by Walton to approve the agenda as amended. Upon a voice vote with Bacon, Chase and Rademacher opposed, MOTION PASSED.

PUBLIC COMMENTS ON AGENDA ITEMS – Karen Baja commented on both Short-Term Rental committees, their work and the issues. Carey Ford also commented on the Short-Term Rental committees, their charge, the issues, and property rights.

FINANCIAL REPORTS – Financial reports were received and indicated that the cash bank balances and the general ledger match by fund.

COMMUNICATIONS – Emails regarding Short Term Rentals from Dave Taghon, Mark and Tina Dunphey; Stephen and Sharon McNutt; Thomas Islieb and Trish Baker were read aloud and available in the packet. An email from Audrey Menninga regarding a dumpster for garlic mustard was read aloud and available in packet. An email from Steve Lewis regarding the scientific recommendations from the South Bar Lake Study was read aloud and available in the packet.

DEPARTMENT HEAD REPORTS – DPW report was summarized by Palmer and available in the packet.

COUNCIL MEMBER/COMMITTEE REPORTS – Palmer commented on the special meeting this afternoon where a decision was made to put in an offer on the Field Trip Building. Bacon reported on the walk around with Engineer Graf and Consultant Grobbel on the Wilco/Lake St. Drainage issue and some of the options to address the risk management recommendations regarding the fuel tank. Bacon reported on the Planning Commission progress of the Master Plan update and the Redevelopment Ready process. Dye reported on the Short-Term Rental Committee.

OLD BUSINESS

APPROVE MINUTES OF 2-8-24 – **Motion by Webb, support by Bacon to approve the minutes of 2-8-24. Upon a voice vote, MOTION PASSED.**

RESOLUTION NO. 2 OF 2024 – FY 2023-24 BUDGET AMENDMENT - **Motion by Dye, support by Rademacher to approve the Resolution.** Discussion included descriptions of account numbers and why expended amounts were over or under the budgeted amounts. **ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

APPROVE PREPAYMENT OPTION FOR THE SOUTH BAR LAKE DRAINAGE DISTRICT- **Motion by Rademacher, support by Webb to approve prepayment of \$47,725 in full for the South Bar Lake Drainage District.** Discussion included how assessments were computed and the amounts for the Township and County. **ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

RESOLUTION NO. 3 OF 2024- FY 2024-25 BUDGET APPROVAL – **Motion by Dye, support by Rademacher to approve the resolution.** Chase commented that wage increases will be included in the budget once the Personnel Committee completes their review. **ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

EXTENSION OF SHORT-TERM RENTAL COMMITTEE - **Motion by Dye, support by Walton to extend the Short-Term Rental Committee for 2 months.** Discussion included the status of current litigation, this issue has emerged as a hot topic so perhaps more public input is needed, whether a police power or zoning ordinance is needed, whether a STR is a business, and if a 2-month extension would allow time for input from summer residents. **Upon a voice vote, MOTION PASSED.**

NEW BUSINESS

2024 FEE SCHEDULE - **Motion by Bacon, supported by Chase to approve the 2024 Schedule of Fees. Upon a voice vote, MOTION PASSED.**

SCHEDULE OF FY 2024-25 VILLAGE COUNCIL MEETINGS - **Motion by Rademacher, support by Dye to approve the schedule of meetings as presented. Upon a voice vote, MOTION PASSED.**

RESOLUTION NO. 4 OF 2024 – ACT 51 FUNDS TRANSFER FROM MAJOR TO LOCAL STREETS - **Motion by Bacon, support by Dye to approve the Resolution.** Current Major Streets were described. **ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

RESOLUTION NO. 5 OF 2024 – ACT 152 HEALTH CARE ANNUAL EXEMPTION -. **Motion by Dye, support by Walton to approve the Resolution.** It was noted that this Resolution is required when a municipality cover 100% of health insurance costs. **ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

APPOINTMENT OF PLANNING COMMISSIONERS – Palmer reappointed Bob Chase and Peter Schous to 3-year terms. **Motion by Bacon, supported by Chase to approve the president's reappointments. Upon a voice vote, MOTION PASSED.**

RESOLUTION NO. 6 OF 2024 - LEELANAU COUNTY NATURAL HAZZARD MITIGATION PLAN – **Motion by Dye, supported by Rademacher to approve. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

Motion by Bacon, supported by Dye to approve bills totaling \$141,060.95. These include the 5K payment approved at the special meeting and large payments on the new tractor, contracted snowplowing, and third payment on generator. **ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

PUBLIC COMMENT – None.

COUNCIL MEMBER COMMENT – Palmer thanked Walton for chairing the last meeting while she dealt with a family emergency. She expressed her thanks for all the well wishes and noted that her husband continues to recover. She noted that the Rules of Procedure will be on the next agenda so questions/comments should be prepared. Rademacher noted the Water Committee will be meeting with Kyle Bond of the Michigan Rural Water Association to do a free rate study.

ADJOURNMENT at 8:13 p.m.

Derith Smith Empire Village Clerk

These are draft minutes for approval at the March 28, 2023, Council meeting.

Meeting:	March 14, 2024
Subject:	Rules of Procedure Review
Author:	Sue Palmer

Overview:

Council has been spending a huge amount of time stepping through the Rules of Procedure. In the interest of completing this review, I am attaching the ROP with changes previously approved by Council. The updates, along with changes from 6.7 to the end of the document are attached.

The President provided updates (marked in red) at the January 23, 2024, meeting. At that time the President requested the Council review these updates and provide input for the March Work Session.

Action Requested

Council to:

- Review/Update the Rules of Procedure as presented by our President
- Approval of the Rules of Procedure will be requested at our Village Council Regular Meeting on March 28, 2024.



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Empire Village Council

Rules of Procedure

Introduction: The General Law Village Act requires the Village to adopt rules of its own proceedings. These Rules of Procedure are a tool to assist and enhance the orderly, cooperative conduct of Village business by the Council. The Rules are not intended and shall not be applied as a basis to invalidate good faith action by the Council and/or its members, if such action does not violate the laws of the State of Michigan. The absence of a timely objection that a Rule of Procedure is being violated demonstrates good faith in the action taken.

1. Meetings

1.1. Regular and Work Session Meetings

The Regular Meetings of the Council shall be held on the fourth Tuesday and the Work Session meetings shall be held on the second Thursday of each month unless those days are a holiday. Each February, the Council shall approve the Regular and Work Session meeting schedule for the following fiscal year of March 1st through February 28th, including any exceptions for holidays. Said schedule shall be posted no later than 10 days following the first meeting in March.

1.2. Special Meetings

A Special Meeting is any meeting of the governing body other than those called for in paragraph 1.1. Upon the request of the President or any three members of the Council, the Clerk/Deputy Clerk shall call a Special Meeting. Every Councilmember will be notified by email and a phone call of a Special Meeting being scheduled and notice of Special Meetings shall be posted at least 18 hours in advance of the meeting. Special Meeting notices shall contain the date, time, place and purpose of the meeting. No official action shall be transacted at any Special Meeting unless the item has been stated in the notice of the meeting.

1.3. Public Hearings

A Public Hearing is a meeting designed specifically to receive input from the public on a single issue. Public Hearings shall be scheduled, and due notice given in accordance with the provisions of the applicable act or ordinance. 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 a legal requirement for some matters, such as:

- a. Adoption of the budget and
- b. Changing the zoning ordinance

Even if not required any law, a public hearing helps the Village Council understand how their residents feel about a particular issue and why they feel that way.

Public Hearings that are scheduled as part of a Regular Meeting shall follow the procedures outlined in Section 5, Public Hearing Process.

1.4. Place of Meeting

All Work Session, Regular and Special Meetings of the Council will be held at the Empire Township Hall, 10088 W. Front Street. A majority of the Council may designate a different place for any Work Session, Regular or Special Meeting. Alternatively, the Clerk/Deputy Clerk, with the consent of the President, may change the meeting to another location. As required by law, a notice of the change shall be prominently posted on the door of the Township Hall, at the Village Office, at the Village kiosk next to the Post Office and at the Glen Lake Community Library. As time and technology allow, such notice will be posted on the Village website with notification of the posting sent out via the email blast system sent to those who have specifically requested such notification.

1.5. Time of Meetings

All Work Session and Regular Meetings of the Council will begin at 7:00 p.m., unless the Council, by a majority vote, sets a different starting time. The time of any Special Meeting shall be included in the meeting notice.

1.6. Ending of Meetings

At Work Session and Regular Meetings of the Council, items of business shall be completed by 9:00 p.m. to allow time for public comment and an adjournment time of 9:30 p.m. At the appointed hour, Council shall immediately adjourn unless the Council, by majority vote, extends the meeting or members of the public are present and wish to speak as part of the public comment section of the agenda.

2. Public Notice of Meetings

2.1. Regular and Work Session Meeting Schedule

As required by law, the Clerk/Deputy Clerk shall post a notice of Work Session and the Regular Meeting schedule for the fiscal year at the Village Office. Additionally, it will be posted on the Village website and the Kiosk next to the Post Office. The notice shall indicate the dates, times and places of the Work Session and Regular Meetings scheduled.

As time and technology allow information about individual meetings will be added to the website. That information may include the agenda, meeting materials and other pertinent documents. Notification of the posting of that information will be sent out via the email blast system to those who have specifically requested such notification.

2.2. Rescheduled Meetings

As required by law, for a rescheduled Work Session, Regular or Special Meetings of the Council, the Clerk/Deputy Clerk shall post a public notice at least 18 hours before the meeting at the Village Office. Additionally, it will be posted on the Village website, the Village kiosk next to the Post Office and the Glen Lake Community Library. The notice shall state the date, time, place and purpose of the meeting.

As time and technology allow information about rescheduled meetings will be added to the website and sent via email blast to those who have specifically requested to receive such notification.

2.3. Emergency Special Meetings

The notice described above in Section 2.2 is not required for an emergency session of Council in the event of a severe and imminent threat to the health, safety, or welfare of the public when two-thirds of the members of the Council determine that delay would be detrimental to the Village's efforts in responding to the threat.

3. Record of Meetings

3.1. Recording Responsibility

The Clerk shall attend the council meeting and record all the proceedings and resolutions of the council. In the absence of the clerk, the council may appoint one of its own members or another person to temporarily perform the clerk's duties.

The Clerk shall not be responsible for maintaining a verbatim report of all the discussion or comments of the Council or members of the public made at Council meetings.

3.2. Minutes - Work Session, Regular, Special and Closed Session Meetings

Minutes shall be taken as defined in the Open Meetings Act 15.269 Section 9 as follows:

- a. Each public body shall keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting. The public body shall make any corrections in the minutes at the next meeting after the meeting to which the minutes refer. The public body shall make corrected minutes available at or before the next subsequent meeting after correction. The corrected minutes shall show both the original entry and the correction.
- b. Minutes are public records open to public inspection, and a public body shall make the minutes available at the address designated on posted public notices pursuant to Section 4. The public body shall make copies of the minutes available to the public at the reasonable estimated cost for printing and copying.
- c. A public body shall make proposed minutes available for public inspection within 8 business days after the meeting to which the minutes refer. The public body shall make approved minutes available for public inspection within 5 business days after the meeting at which the minutes are approved by the public body.
- d. A public body shall not include in or with its minutes any personally identifiable information that, if released, would prevent the public body from complying with section 444 of subpart 4 of part C of the general education provisions act, 20 USC 1232g, commonly referred to as the Family Educational Rights and Privacy Act of 1974.

3.3. Communications

All written (physical or electronic) communication received by the Council or an individual Council Member from a member of the public shall be provided to the Clerk. Acknowledgement of the receipt of each communication, its author and subject shall be announced when discussing "Communications" at the Regular Meeting of the Council. The communication or a summary shall be read at that time, unless waived by the author or if no member of council asks that it be read or summarized.

3.4. Public Access to Meeting Materials and Minutes – This needs to be reviewed and written by our attorney.

Per the General Law Village Act, 65.5 Section 5 (4) A writing prepared, owned, used, in the possession of, or retained by the council or by the clerk, treasurer, or other officer of the village in the performance of an official function must be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

3.5. Recording of Meetings and Disposition of Tapes.

Council meetings are audio recorded to assist the Clerk/Deputy Clerk in preparing the minutes of meetings. Audio recordings are not to be considered the official record of a Council meeting. Audio recordings of meetings are considered public records and shall be available to the public upon request. Members of the public may request a copy of the audio recording, using their own storage device, the day following the meeting. The Village offers no guarantee as to the quality of said recording. The audio recording shall be recycled or disposed of 6 months after the Council approves the written minutes.

4. Closed Meetings

4.1. Purpose and Procedure

A roll call vote and purpose for calling a Closed Meeting must be recorded in the minutes of a Work Session, Regular or Special Meeting. Upon a 2/3 roll call vote of the total number of members of the Council (not just the members present), The Council may call a closed meeting for any of the following reasons:

- a. To consider the purchase or lease of real property
- b. To consult with its attorneys regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the Council.
- c. To review contents of an application for employment or appointment, but only when the candidate requests confidentiality. However, an interview must be conducted in an open meeting.
- d. To consider material specifically exempt from discussion or disclosure by state or federal statute.

Upon a simple majority roll call vote of the total number of members of Council (not just the members present), the meeting may go into a closed session for the following reasons:

- a. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer or employee, staff member, or individual agent, but only when the named person requests a closed session.
- b. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if/when either negotiating party requests a closed hearing.

4.3 Minutes of Closed Session

The Clerk/Deputy Clerk shall take a separate set of minutes at the closed session. These minutes **and any** audio of the closed session will be retained by the Clerk and shall not be available to the public. Minutes of a Closed Meeting shall only be disclosed if required by a civil action, as authorized by the Michigan Open Meetings Act. These minutes, the audio recording and any attachments may be destroyed one year and one day after approval of the minutes of the Regular or Special Meetings at which the closed session was approved.

5. Public Hearing Process

The Chair begins each Public Hearing by calling the meeting to order, taking the roll and explaining the purpose of the hearing and the rules of public conduct. Following the briefing, the Chair opens the hearing to receive written and oral comments. Section 6.14 applies to the length of each person's comments and rules regarding written comment.

After all persons have had the opportunity to speak, the Chair shall call the hearing adjourned. No action may be taken by the Council during a public hearing, but the matter may be placed on the Regular Meeting agenda or Special Meeting notice for possible action.

6. Conduct of Meeting

6.1. Agenda, Agenda Documentation for Work Session, Regular or Special Meetings

The President and Council members may introduce an agenda item for inclusion in the agenda. Upon review of the requests submitted, the President sets the agenda.

The President shall have the authority:

- a. to request additional documentation for agenda items,
- b. to move items to future meetings to ensure smooth, productive meetings and,
- c. may opt to deny an agenda item coming before the Council that has been decided upon within the previous 6 months.

The Council, by majority votes, shall have the ability to overrule the President's decision regarding agenda items during the meeting discussion "Changes and Additions to the Agenda".

The President, in consultation with Council Members, Department Heads or the Village Office Personnel, shall ensure the wording for each agenda item provides a clear description of expected discussion and/or action, so the public is aware of the issue being discussed and what action the Council may take during that discussion.

6.2. Agenda Documentation

All Council members shall submit a standardized form (see below) as part of their request for agenda items. The form provides information about the issue for the Council and the public.

- a. What the issue, question or problem is related to the topic
- b. Provide a brief overview of research or history completed by the Council member making the request.
- c. Possible actions the Council. Any consideration related to the topic.



Village of Empire Meeting Documentation

Meeting Date:

Agenda Item:

Requestor:

Overview/Statement of Agenda Item:

Recommendations:

6.3. Amending Approved Agenda

After an agenda has been adopted by the Council, no change can be made except by a two-thirds vote of the members present or unanimous consent.

6.4. Presentations

Presentations may be added to a Work Session or Regular Meeting if approved by council at a prior meeting. Presentations shall follow the communications agenda and be followed by public comment on presentations to allow the public to respond to the presentation. Presenters and those providing public comment are expected to address their remarks to the meeting Chair.

6.5. Meeting Deadlines for Submission

Council Members and office administrators shall have agenda items submitted to the village office for inclusion on the agenda as follows:

- a. Work Session - noon on the Thursday preceding each Work Session meeting

- b. Regular Meeting - noon on the Tuesday preceding each Regular meeting

6.6. Consent Agenda

A Consent Agenda contains routine items which do not need further discussion. The whole group of items is approved in one motion and one roll call vote. If discussion of an item is desired, it can be removed from the consent agenda and discussed immediately after approval of the consent agenda or in its normal sequence on the agenda.

6.7. Regular Meeting Agenda

An agenda shall be prepared for each Regular council meeting with the following order of business as applicable.

- Call to Order and Pledge of Allegiance
- Roll Call
- Public Hearings (when applicable)
- Changes or Additions to the Agenda
- Adoption of Agenda
- Public Comment on Agenda Items
- Consent Agenda
- Review of Financial Statements
- Approval of Minutes
- Approval of Payment of Bills
- Communications
- Presentations (if applicable)
- Public Comment on Presentation
- Department Head Reports
- Council Member/Committee Reports
- Old Business
- New Business
- Public Comment
- Council Member Comments
- Adjournment

6.8. Work Session Meeting Purpose

Work Sessions are vehicles for addressing major issues more effectively and will usually take place prior to a Regular Meeting. They can provide opportunities for members to focus on long-term decisions rather than the day-to-day management issues that confront the village. They also make Regular Meetings more productive and shorter. Work sessions can also help members relate better to one another because of the greater informality of such sessions. Only matters of immediate importance will be voted on at a Work Session. Most generally, no decisions are made during a Work Session.

6.9. Work Session Agenda

An agenda shall be prepared along with relevant experts/speakers invited (as necessary) for each Work Session with the following order of business:

Call to Order and Pledge of Allegiance
Roll Call
Adopt the Agenda
Public Comment on Agenda Items
Approve Minutes
Urgent Action Items (should be used rarely)
Old Business
New Business
Public Comment
Adjournment

6.10. Agenda/e-Packet Distribution

All Agenda/e-Packet materials shall be dated and distributed to Council members via email, website or available to be picked up in the office. Deadlines for such material shall be as follows:

- a. Regular Meeting – No later than the Friday prior to the Tuesday meeting.
 - b. Work Session Meeting – No later than the Monday prior to the Thursday meeting
- Documents in draft form (e.g., budgets, financials, ordinances, etc.) shall be labeled as such, with a version number and last date they were changed.

6.11. Special Meeting Agenda

The agenda of a Special Meeting will consist only of the matters so stated in the notice of the meeting.

6.12. Chair

The President shall preside at all Council meetings. The President Pro Tempore shall preside in absence of the President. If both the President and President Pro Tempore are absent, the longest serving member of Council shall preside. All matters to come before the meeting shall be addressed to the Chair.

6.13. Duties of Chair (New)

The Chair shall preserve order and decorum at all meetings of Council. The Chair shall state every question coming before the Council, announce the decision of the Council on all subjects, and decide all questions of order.

6.14. Quorum

Four members of the Council shall constitute a quorum for the transaction of business at all Council meetings. In the absence of a quorum, a lesser number may adjourn a meeting to a later time or date, providing appropriate public notice.

6.15. Attendance at Council Meetings

Election to the Council is a privilege freely sought by the nominee. It carries with it the responsibility to participate in Council activities and represent the residents of the Village. Attendance at Council meetings is critical to fulfilling this responsibility.

No member of the Council may be absent from a Regular or Work Session meeting without first notifying the Village Office, President or Clerk. Members who are unable to attend a Special Meeting shall inform the person planning the meeting, so it can be ensured that a quorum will be present at the meeting.

6.16. Council Civility

Regardless of the actual relationships among Council Members outside of Council meetings, the general atmosphere of any Council meeting should be relaxed, friendly, efficient, and dignified. Sarcasm, innuendoes, exclamations, and name calling are not appropriate. This does not mean misinterpretations, distortions, and challenges should be left unanswered. They should be answered. However, they should address the facts rather than the qualities, or lack of them, of the person being addressed. No performance issues of any officer or staff member shall be discussed unless the issue is properly noticed on the agenda and the officer or staff member has been given proper notice and the option to request a closed session.

6.17. Council Discussion and Debate

Council member discussion and debate shall keep in mind the following items.

- a. Council members shall confine discussion and debate to the question at hand and to its merits and shall not be interrupted, except by a point of order or privilege, raised by another member.
- b. In the interest of time, Council members should summarize their discussion and debate so all Council members have time for response.
- c. As the public has not been properly noticed, Council Members shall refrain from introducing any new topic or issue.
- d. No member shall be recognized to speak a second time until all members have had an opportunity to speak.
- e. Council Members shall maintain a professional demeanor.
- f. Questions by Council Members regarding an agenda item for any person, may be made after all Council Members have had an opportunity to speak and at the discretion of the President.

6.18. Disorderly Conduct at Meetings

The Chair may call to order any person who is being disorderly. Disorderly conduct includes, for example, speaking when not recognized by the Chair, disrupting the proceeding by speaking off topic, by speaking longer than the allotted time, or by using vulgar language.

If a person is called out of order, they shall be seated and not be permitted to continue to speak at the same meeting except by special leave of the Chair or the Council. A person who continues to disregard being called out of order is deemed to have committed a breach of peace. A person who commits a breach of peace at a meeting may be excluded from the meeting, but a person may not be excluded from a meeting for any other reason.

7. Rewritten in 7. below Public Comment and Participation

7.1. General

Two opportunities for public comment are provided during Council meetings. The Chair shall have discretion to allow a member of the audience to speak at times other than Public Comment.

7.2. Length of Public Comment

Any person who addresses the Council during a council meeting or public hearing shall be limited to four (4) minutes in length per individual. The official time will be tracked by a designated person and will notify speakers when their time is up.

7.3. Addressing the Council

When a person addresses the Council, he or she shall state his or her name for the public record. Remarks during Public Comment on Agenda Items should be confined to the question at hand and addressed to the Chair in a courteous tone. At the end of the meeting under Public Comments a person may address the Chair and may speak on any topic. No person shall have the right to speak more than once on any particular subject until all other persons wishing to be heard on that subject have had the opportunity to speak. It shall not be the practice of Council to respond directly to questions during these portions of the meeting, unless directed to do so by the Chair. The opportunity for Council Members to respond may occur during the business portions of the meeting or during the Council Comment section of the meeting.

8. Parliamentary Procedure

The latest edition of Robert's Rules of Order may be consulted and used as a guide on questions of parliamentary procedure when such questions arise. However, the failure to adhere to Robert's Rules shall not invalidate any action or decision of the Council.

8.1. Motions, Resolutions, and Ordinances

All action taken by the Council shall be by motion, resolution, or ordinance and shall be publicly set forth in the official record (minutes) of Council.

8.2. Non-debatable Motions

A motion to adjourn, recess, lay on the table or to vote immediately shall be voted upon without further debate.

9. Voting

9.1. Duty to Vote

Council Members present at a Council meeting shall vote on every matter before the body, unless otherwise excused or prohibited from voting by law. The right to vote is limited to the members of council present at the time the vote is taken. Voting by proxy or by telephone is not permitted.

9.2. Conflict of Interest and Abstention from Voting

No Council Member shall vote or participate in the discussion of a question, issue or decision where the Council Member has knowledge that the outcome of the question, issue or decision will provide a direct or indirect financial benefit to the Council Member, a member of his or her immediate family or a business with which he or she is associated, if different from any financial benefit shared by the general public. In such an event, the Council Member shall abstain and shall state on the record, or in writing for inclusion in the record, the facts which create the conflict.

Where no conflict exists as a matter of law, but a Council Member is concerned that facts exist which may create the appearance of a conflict, the Council Member may participate in discussion and shall vote on the matter; but before doing so the Council Member shall make a disclosure on the record, or in writing for inclusion in the record, the facts which create the appearance of a conflict.

Unless otherwise prohibited by law, if all sitting members of the Council are present at a meeting and one or more members must abstain because of a conflict of interest and such abstention(s) result in the inability of the Council to act, then the member(s) with the conflict may be permitted to vote. In such an event, in addition to stating on the record, or in writing for inclusion in the record, the facts which create the conflict, the Council Member shall vote his or her conscience disregarding his or her personal interest and shall state the facts in support of his or her vote on the record.

If a question arises as to whether or not a conflict exists, the Council may postpone the matter to seek legal opinion regarding the existence of a conflict or may by a simple majority vote of the remaining members determine whether a conflict exists using the guidelines set forth above.

9.3. Roll Call Votes

Roll call votes shall be taken when required by law, at the request of any member of Council or when the Chair cannot determine the results of a voice vote. Roll Call votes shall be taken in alphabetical order with the President voting last.

9.4. Results of Voting – (New)

In all cases where a roll call vote is taken, the President shall declare the result. Motions and resolutions may be adopted by the affirmative vote of a majority of the quorum present. An Ordinance may be enacted by the affirmative vote of not less than three (3) members of the Council.

Any Council member voting in the majority may move for a reconsideration of the vote on any question at that meeting or at the next succeeding meeting of the Council. When a motion to reconsider fails, it cannot be renewed.

10. Appointments

The President, subject to the approval of a majority of the Council, will make appointments, unless the General Law Village Act, a federal law or an ordinance defines a different appointment procedure.

Boards, commissions and committees operating under the jurisdiction of the Council may make recommendations to the Council regarding appointments, but the President or Council shall not be bound by the recommendations.

10.1. President Pro Tempore Appointment

Per MCL 65.3, ACT III 1895, on November 20th of each year, or as soon after that date as possible, Council shall make President pro tempore appointment.

11. Committees

11.1. Standing Committees of Council

The Village shall have the following Standing Committees:

Parks
Personnel
Water
Streets, Sidewalks and Equipment
Airport

Committee members, as with all other appointments, shall be appointed by the President and are subject to the approval of the Council. Standing Committee members shall be Council Members. Committee members shall serve for a term of one year and may be re-appointed. The President will designate a Chair for each Committee.

11.2. Special Committees of Council

Special Committees may be established for a specific time by the President or by an approved motion or resolution of the Council, which specifies the task of the Special Committee and the date of its dissolution.

11.3. Public Notice of Committee Meetings

All Council appointed Committee Meetings (Standing, Special and Citizen's Task Force) shall be provided and noticed to the public **via email, website or available to be picked up in the office.** Such notice will be in accordance with the Open Meetings Act and are subject to these Rules of Procedure and other applicable laws of the State.

11.4. Committee Authority

Committee Chairs shall:

- a. Work with the Clerk/Deputy Clerk to properly notice the meeting to the public, and

- b. Make sure minutes are taken and provided to the Village Office for posting on the website, and
- c. Preside over the meeting.

Neither the Chair of a Committee nor any member of the Committee shall have any authority to take any action on behalf of the Village Council. A Committee may only make reports and recommendations to the Council on matters referred to it.

11.5. Citizens Task Forces

Citizen Task Forces may be established by a motion or resolution of the Council which specifies the task to be accomplished and the date of the Task Force's dissolution. Members of a Task Force will be appointed by the President subject to approval by a majority vote of the Council. Vacancies will be filled by majority vote of the Council in the same way appointments are made.

12. Authorization for Contacting Village Professional Service Providers

Only the Village President and/or his or her designee shall contact vendors on behalf of the Village. This includes, but is not limited to, legal counsel, engineering staff and other contracted and professional services. In addition, a report including any charges for services rendered shall be provided to the Council with via Village email or at the next Village Council meeting.

All responses from the Village Attorney on issues of law or procedure shall be in writing and provided to the Village Council and the Village Office for filing.

The Street Administrator and the Water Commissioner (in the case of an emergency) shall be authorized to contact professional service providers in fulfilling their statutory duties without prior approval of the Council.

All Council Members who have been authorized to contact a professional service provider will provide a report (verbally or in writing) to the Council on the discussion including any request for additional information or action needed to move forward. All electronic or written documentation related to those discussions – including bids, quotes or authorizations – will be made available to the Village Office and the Council.

Authorization for payment to professional service providers or the Village Attorney shall not be approved unless procedures outlined in this section are followed.

13. Amendment of Council Rules of Procedure

These rules were adopted by resolution of the Village Council pursuant to the authority of the General Law Village Act. None of these rules may supersede the General Law Village Act or the laws of the State of Michigan. The Council may alter or amend its rules at any time by a majority vote of its members after notice has been given of the proposed alteration or amendment.

Adopted: November 20, 2001

Last Amended: June 22, 2021

As we have moved through this process, we did not, in any official manner (for ourselves or our public) agree on the purpose of the ROP. My take. The rules of procedure are intended to help **the council** to run an efficient meeting and to deal with the public and the media in a positive manner. It is best, at this time, to consider the future, not the past or present. What are the important elements for future councils to know? What are the elements that simply must be – regardless of who sits in what seat? There are elements of the rules of procedure that offer a reminder of the law or statute focusing on issues like the Open Meetings Act or FOIA. Aside from those statutory references, the rules need to reflect and focus on running an efficient meeting within the boundaries of being a governmental entity. The set of suggested revisions seems to introduce some more formal, stricter language (maybe similar to Roberts Rules) which can result in creating barriers to participation in ways that include:

- Shutting down meaningful conversations.
- Denial of the group's innate culture to talk or deliberate in a different way.
- Being used by only a few who then, in turn, dominate the discussion and decisions.
- Intimidating (intentionally or unconsciously) people who are less familiar with Roberts Rules.

We are small Village who, yes, must follow some basic rules of procedure. At the same time, the Village Council decided – several years ago – that Roberts Rules ought to be used as a guide, (see current ROP 7 – Parliamentary Procedure) – to “be read and applied in a practical and common-sense fashion as a means (sic) to proceed in an orderly and cooperative manner.” Here is where history is important. **That phrasing was intentional.** It was to prevent anyone from using an obscure rule or technical violation to invalidate a good faith action taken by the Council. It was the intent of that council to prevent – for lack of a better phrase –politically motivated shenanigans. If this Council makes the conscious decision to begin applying Roberts Rules in a more systematic manner then much training, mentoring, and grace will be required if we want to counter the negative consequences that often come with the strict use of this structure.

On a separate note: When speaking of the presiding officer, we should be consistent in the use of the word, President or Chair. My recommendation is whenever the issue is about meeting protocol, the word Chair (the person presiding) is most appropriate.

Bacon's comments in **RED**. Bacon's suggested changes in ***bold with italics (only used when suggesting changes to the current ROP)***

Original	Palmer Suggestion	Bacon Comment/Suggestion
6.7 Agenda and Meeting Material Distribution. Agendas and meeting materials shall be distributed to Council, electronically, in person and posted no later than the Friday preceding the Regular Meeting and not later	6.10 Agenda/e-Packet Distribution. All Agenda/e-Packet materials shall be dated and distributed to Council Members via email, website or available to be picked up in	6.10 Agenda and Meeting Material Distribution. Agendas and meeting materials shall be distributed to Council, electronically and in person. Every effort shall be made to provide those materials:

<p>than Monday preceding the Work Session meeting. All materials shall be dated. Documents in draft form (e.g., budgets financials, ordinances, etc. shall be labeled as such with a version number and last date they were changed.</p>	<p>the office. Deadlines for such materials shall be as follows:</p> <p>a. Regular Meeting – No later than Friday prior to the Tuesday meeting.</p> <p>b. Work Session Meeting – No Later than the Monday prior to the Thursday meeting.</p> <p>Documents in draft form (e.g., budgets, financials, ordinances, etc.) shall be labeled as such, with a version number and last date they were changed.</p>	<p>a. For the Regular Meeting - No later than the Friday preceding the Regular Meeting and,</p> <p>b. For the Work Session – No later than Monday preceding the Work Session meeting.</p> <p>Materials shall be dated. Documents in draft form (e.g., budgets financials, ordinances, etc.) shall be labeled as such with a version number and last date they were changed.</p> <p>*****</p> <p>I am concerned about the specificity of the Palmer change. Why e-packet? Meeting Material is more generic and offers greater flexibility should there be a technology glitch.</p> <p>Use of Materials is more generic. Documents suggest a word file or google file only.</p> <p>I don't believe either the current ROP or Palmer's version need to add the posting on the website as a requirement in the Council's ROP. That is an administrative function for the Village Office to tackle. It has nothing to do with the Council receiving their packets.</p>
<p>6.9 Chair. The President shall moderate and chair all meetings of the Council. In the absence of the President, the President Pro Tempore shall assume the duties of the Chair. If both the President and President Pro Tempore are absent, the longest serving</p>	<p>6.12 Chair. The President shall preside at all Council meetings. The President Pro Tempore shall preside in the absence of the President. If both the President and President Pro Tempore are absent, the longest serving member of the Council shall preside. All</p>	<p>6.12 Chair. The President shall preside at all Council meetings. The President Pro Tempore shall preside in the absence of the President. If both the President and President Pro Tempore are absent, the longest serving member of the Council shall preside.</p>

member Council will assume the role of Chair.	matters to come before the meeting shall be addressed to the Chair.	<p>Council Discussion or comments shall be addressed to the Chair, not to individual members of the Council.</p> <p>*****</p> <p>Palmer's version contains the first insertion of more formal language: <i>All matters to come before the meeting shall be addressed to the Chair.</i></p> <p>Future council members and those members of the public who read the ROP will benefit from the plain language.</p>
	<p>6.13 Duties of the Chair. The Chair shall preserve order and decorum at all meetings of the Council. The Chair shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order.</p>	<p>Here is the second instanced of more highly formalized wording. It an unnecessary addition to the ROP as other sections address this.</p> <p>This information would be good for a primer for a chair who is new to the role. However, the ROP is not a training manual. 6.12 and 6.13 (of the current ROP) address civility and means of discussion. Furthermore, the last phrase is inexact: "decide all question of order". This suggests, incorrectly, that the decision of the chair cannot be appealed or overruled. We certainly do not want to leave future council members or Chairs with that impression.</p> <p>How the questions of order are handled are best referred to a Robert's Rule of Order cheat sheet.</p>

		<p>If the Council decides to include the role of the presiding officer, it should be written to reflect the General Law Village Act phrasing</p> <p>Role of the Chair</p> <ul style="list-style-type: none"> • <i>Determine that a quorum is present before transacting business <u>(this is addressed in 6.10 of the current ROP)</u></i> • <i>Introduce business in proper order</i> • <i>Recognize speakers</i> • <i>Determine if a motion is in order</i> • <i>Keep discussion germane to the pending motion</i> • <i>Maintain order</i> • <i>Put motions to a vote and announce results</i> • <i>Employ unanimous consent (general consent) when appropriate</i>
		<p>6.13 Council Discussion (a) During Council discussion and debate, the member shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order or privilege raise by another member. (b) Council Members shall refrain from introducing a new topic or issue during discussion of the question at hand. As the public has not been properly noticed of this new topic, no discussion or action may occur.</p>
		<p>6.17 Council Discussion and Debate Council member discussion and debate shall keep in mind the following items. a. Council members shall confine discussion and debate to the question at hand and to its merits and shall not be interrupted except by a point of order or privilege raise by another member. b. In the interest of time, Council members should summarize their discussion and debate so that all Council members have time for response.</p>
		<p>6.17 Council Discussion (remove debate). a. During Council discussion the member shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order or privilege raise by another member. b. As the public has not been properly noticed, Council members will not introduce any new topic or issue. c. No member shall be recognized to speak a second time until all members have had an opportunity to speak.</p>

<p>(c) No member shall be recognized to speak a second time until all members wishing to speak a first time have been recognized.</p> <p>(d) Speakers should maintain a professional demeanor.</p> <p>(e) If Council Members have a question for a Department Head (or anyone else) during Council discussion of an agenda item (other than Department Head reports), the President shall decide, after all Council Members have had an opportunity to speak, if the Department Head will be recognized to answer any question raised by Council.</p>	<p>c. As the public has not been properly noticed, Council Members shall refrain from introducing any new topic or issue.</p> <p>d. No member shall be recognized to speak a second time until all members have had an opportunity to speak.</p> <p>e. Council Members shall maintain a professional demeanor.</p> <p>f. Questions by Council Members regarding an agenda item for any person, may be made, after all Council Members have had an opportunity to speak and at the discretion of the President.</p>	<p>d. Council Members shall maintain a professional demeanor.</p> <p>e. Questions by Council Members regarding an agenda item for any person, may be made upon being recognized by the Chair.</p> <p>*** I must be misunderstanding the purpose of Palmers letter b.</p> <p>b. In the interest of time, Council members should summarize their discussion and debate so that all Council members have time for response.</p> <p>This is tantamount to censoring council members. Council members have a right, actually, an obligation to speak on behalf of the residents we serve. Full, robust discussions on topics offer everyone the opportunity to hear similar AND opposing viewpoints, and provides space for flexing our individual ability to be more open minded to the views of others. <u>That level of discourse ought to be encouraged, not discouraged.</u> It is only when we understand a diversity of viewpoints can we intelligently inform our own viewpoints. That kind of hard work should never be relegated to "be done in the interest of time".</p>
<p>6.14 Public Comment.</p>	<p>7. Public Comment and Participation</p>	<p>7. Public Comment</p>

<p>A person may address the Council at the time it is considering public comments and may address the Council, at the discretion of the chair, during Council's consideration of an item of business. Members of the public at a meeting shall not speak unless recognized by the Chair; when addressing the Council, the speaker may state their name for the public record. Comments should be confined to the question at hand and addressed to the Council in a courteous tone. A person shall limit their remarks to 3 minutes unless prior arrangements have been made. Communications of greater lengths shall be submitted in writing. The Chair or a designated Council Member may maintain the official time and notify the speakers when their time is up. It shall not be the practice of Council to respond directly to questions during these portions of the meeting, unless directed to do so by the Chair. The opportunity for Council Members to respond may occur during the business portion of the meeting or during the Council Comment section of the meeting.</p>	<p>7.1 General. Two opportunities for public comment are provided during Council Meetings. The Chair shall have the discretion to allow a member of the audience to speak at times other than Public Comment.</p> <p>7.2 Length of Public Comment Any person who addresses the Council during a council meeting or public hearing shall be limited to four (4) minutes in length per individual. The official time will be tracked by a designated person and will notify the speaker when their time is up.</p> <p>7.3 Addressing the Council When a person addresses the Council, he or she shall state his or her name for the public record. Remarks during Public Comment on Agenda items should be confined to the question at hand and addressed to the Chair in a courteous tone. At the end of the meeting under Public Comments a person may address the Chair and may speak on any topic. No person shall have the right to speak more than once on any particular subject until all other persons wishing to be heard on that subject have had the opportunity to speak. It shall not be the practice of Council to respond directly to questions during these portions of the meeting, unless directed to do so by the Chair. The opportunity for Council Members to respond may occur</p>	<p>Two opportunities for public comment are provided during Council Meetings. The Chair shall have the discretion to allow a member of the audience to speak at times other than during public comment.</p> <p>7.1 Addressing the Council and Length of Public Comment Any person who addresses the Council during a council meeting shall be limited to <i>five (5)</i> minutes in length per individual.</p> <p><i>Speakers will state their name for the public record.</i></p> <p><i>The official time will be tracked by a designated person who will notify the Chair that time has expired. The Chair will notify the speaker. The Chair shall have the discretion to allow the speaker finish their thought.</i></p> <p>7.2 Public Comment on Agenda Items <i>Speakers shall address the Chair and may only speak on issues on the agenda.</i></p> <p>7.3 Public Comment <i>At the end of the meeting, speakers may speak on any topic. Speakers shall address the Chair.</i> No person shall have the right to speak more than once on any particular subject until all other persons wishing to be heard on that subject have had the opportunity to speak.</p>
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	during the business portion of the meeting or during the Council Comment section of the meeting.	<p>7.4 Council Response</p> <p><i>Given this portion of the meeting is devoted to public comment, the Council will not comment or to respond to speakers. Silence or non-response from council members should not be interpreted as disinterest or disagreement. Council Members may choose to respond to issues raised during public comment during Board Comments at the end of the meeting.</i></p> <p>*****</p> <p>The time limit is wholly subjective. Why 4? Why not 5?</p> <p>A note about time limits for public hearings – THEY CAN BE DIFFERENT. That is truly a time when the Council can encourage more comment and input!</p> <p>Here is more of that formalized language. For “Remarks” during Public Comment on Agenda items should be <i>confined to the question at hand</i>”.</p> <p>What we mean is Speakers shall address the Chair and may only speak on issues on the agenda. If we could, I would banish the word <i>shall</i>! But, that is for another time!</p>
7. Parliamentary Procedure	8. Parliamentary Procedure	8. Parliamentary Procedure

<p>The rules of parliamentary procedure, as contained in the edition of Robert's Rules of Order currently available in the Village office, shall be used as a guide by the Council in all cases to which they are applied, unless they are in conflict with these Rules, the General Law Village Act or the laws of the State of Michigan. Robert's Rules shall be read and applied in a practical and common-sense fashion as a means for the Council to proceed in an orderly and cooperative manner. No technical violation of Robert's Rules shall invalidate any good faith action taken by the Council that otherwise is not in violation of the laws of the State of Michigan.</p>	<p>The latest edition of Robert's Rules of Order may be consulted and used as a guide on questions or parliamentary procedure when such questions arise. However, failure to adhere to Robert's Rules shall not invalidate any action or decision of the Council.</p>	<p>The latest edition of Robert's Rules of Order may be consulted and used as a guide. <i>Robert's Rules shall be read and applied in a practical and common-sense fashion as a means for the Council to proceed in an orderly and cooperative manner. No technical violation of Robert's Rules shall invalidate any good faith action taken by the Council that otherwise is not in violation of the laws of the State of Michigan.</i></p>
<p>8. Voting 8.1 Duty to Vote Council Members present at a Council meeting shall vote on every matter before the body. Voting by proxy or by telephone is not permitted. 8.2 Conflict of Interest and Abstention from Voting No Council Member shall vote or participate in the discussion of a question, issue or decision where the Council Member has knowledge that the outcome of the question, issue or decision will provide a direct or indirect financial benefit to the Council Member, a member of his or her immediate family or a business with which he or she is associated, if different from any financial benefit shared by the general public.</p>	<p>9. Voting 9.1 Duty to Vote Council Members present at a Council meeting shall vote on every matter before the body unless otherwise excused or prohibited from voting by law. The right to vote is limited to members of the council present at the time the vote is taken. Voting by proxy or by telephone is not permitted. 9.2 Conflict of Interest and Abstention from Voting No Council Member shall vote or participate in the discussion of a question, issue or decision where the Council Member has knowledge that the outcome of the question, issue or decision will provide a direct or indirect financial benefit to the Council Member, a member of his or her</p>	<p>9. Voting 9.1 Duty to Vote Council Members present at a Council meeting shall vote on every matter. The right to vote is limited to members of the Council present at the time the vote is taken. Voting by proxy or by telephone is not permitted. <i>(Note: I do not understand the "unless otherwise excused or prohibited from voting by law" - isn't all of that covered in Conflict of Interest and Abstention from voting?)</i> 9.2 Conflict of Interest and Abstention from Voting No Council Member shall vote or participate in the discussion of a question, issue or decision where the Council Member has knowledge that the outcome of the question, issue or decision will provide a direct or</p>

<p>In such an event, the Council Member shall abstain and shall state on the record, or in writing for inclusion in the record, the facts which create the conflict.</p> <p>Where no conflict exists as a matter of law, but a Council Member is concerned that facts exist which may create the appearance of a conflict, the Council Member may participate in discussion and shall vote on the matter; but before doing so the Council Member shall make a disclosure on the record, or in writing for inclusion in the record, the facts which create the appearance of a conflict.</p> <p>Unless otherwise prohibited by law, if all sitting members of the Council are present at a meeting and one or more members must abstain because of a conflict of interest and such abstention(s) result in the inability of the Council to act, then the member(s) with the conflict may be permitted to vote. In such an event, in addition to stating on the record, or in writing for inclusion in the record, the facts which create the conflict, the Council Member shall vote his or her conscience disregarding his or her personal interest and shall state the facts in support of his or her vote on the record.</p> <p>If a question arises as to whether or not a conflict exists, the Council may postpone the matter to seek legal opinion regarding the existence of a conflict or may by a simple majority vote of the remaining members</p>	<p>immediate family or a business with which he or she is associated, if different from any financial benefit shared by the general public.</p> <p>In such an event, the Council Member shall abstain and shall state on the record, or in writing for inclusion in the record, the facts which create the conflict.</p> <p>Where no conflict exists as a matter of law, but a Council Member is concerned that facts exist which may create the appearance of a conflict, the Council Member may participate in discussion and shall vote on the matter; but before doing so the Council Member shall make a disclosure on the record, or in writing for inclusion in the record, the facts which create the appearance of a conflict.</p> <p>Unless otherwise prohibited by law, if all sitting members of the Council are present at a meeting and one or more members must abstain because of a conflict of interest and such abstention(s) result in the inability of the Council to act, then the member(s) with the conflict may be permitted to vote. In such an event, in addition to stating on the record, or in writing for inclusion in the record, the facts which create the conflict, the Council Member shall vote his or her conscience disregarding his or her personal interest and shall state the facts in support of his or her vote on the record.</p>	<p>indirect financial benefit to the Council Member, a member of his or her immediate family or a business with which he or she is associated, if different from any financial benefit shared by the general public.</p> <p>In such an event, the Council Member shall abstain and shall state on the record, or in writing for inclusion in the record, the facts which create the conflict.</p> <p>Where no conflict exists as a matter of law, but a Council Member is concerned that facts exist which may create the appearance of a conflict, the Council Member may participate in discussion and shall vote on the matter; but before doing so the Council Member shall make a disclosure on the record, or in writing for inclusion in the record, the facts which create the appearance of a conflict.</p> <p>Unless otherwise prohibited by law, if all sitting members of the Council are present at a meeting and one or more members must abstain because of a conflict of interest and such abstention(s) result in the inability of the Council to act, then the member(s) with the conflict may be permitted to vote. In such an event, in addition to stating on the record, or in writing for inclusion in the record, the facts which create the conflict, the Council Member shall vote his or her conscience</p>
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<p>determine whether a conflict exists using the guidelines set forth above.</p> <p>8.3 Roll Call Votes</p> <p>Roll call votes shall be taken when required by law, at the request of any member of Council or when the Chair cannot determine the results of a voice vote.</p>	<p>If a question arises as to whether or not a conflict exists, the Council may postpone the matter to seek legal opinion regarding the existence of a conflict or may by a simple majority vote of the remaining members determine whether a conflict exists using the guidelines set forth above.</p> <p>9.3 Roll Call Votes</p> <p>Roll call votes shall be taken when required by law, at the request of any member of Council or when the Chair cannot determine the results of a voice vote. Roll Call votes shall be taken in alphabetical order with the President voting last.</p> <p>9.4 Results of Voting (New)</p> <p>In all cases, where a roll call vote is taken, the President shall declare result. Motions and resolutions may be adopted by the affirmative vote of a majority of the quorum present. An Ordinance may be enacted by the affirmative vote of not less than 3 members of the Council.</p> <p>Any Council member voting in the majority may move for a reconsideration of the vote on any question at that meeting or at the next succeeding meeting of the Council.</p> <p>When a motion to reconsider fails, it cannot be renewed.</p>	<p>disregarding his or her personal interest and shall state the facts in support of his or her vote on the record.</p> <p>If a question arises as to whether or not a conflict exists, the Council may postpone the matter to seek legal opinion regarding the existence of a conflict or may by a simple majority vote of the remaining members determine whether a conflict exists using the guidelines set forth above.</p> <p>9.3 Roll Call Votes</p> <p>Roll call votes shall be taken when required by law, at the request of any member of Council or when the Chair cannot determine the results of a voice vote. <i>For all roll call votes, the Village Clerk shall call the roll to insure the order in which the names of Council members vary from one roll call to the next with the President voting in the rotation.</i></p> <p>There is nothing - NOTHING that is more of a demonstration of the equality of our votes as a General Law Village than to vote randomly.</p> <p>EVERY Council member is one vote. To suggest the President is to play the role of tie breaker – to vote last – is to fly in the face of the spirit of the General Law Village act and our form of government.</p>
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	<p>This is explained best as “the President is a member of the governing body, chairs council meetings, and normally is the municipality’s chief policy and ceremonial official” and has <u>NO specific authority extending beyond that of other council members.</u></p> <p>Below is a smattering of how other municipalities/government entities handle roll call votes:</p> <p>Village of Owosso – The Clerk shall implement these rules in such a manner as to insure that the order in which the name of Council members is called shall vary from one roll call vote to the next.</p> <p>City of Ann Arbor – A roll call vote shall be called upon the request of any member of the Council. The roll call voting order shall rotate with the Mayor voting in the rotation.</p> <p>(This comes from the State of Michigan Redistricting Commission). The Secretary shall rotate the order of names called during a roll call vote.</p> <p>Village of Benzonia – For all roll call votes, the Village Clerk shall rotate the roll call with the Village President voting in the rotation.</p>	
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<p>10.3 Public Notice of Committee Meetings All Council appointed Committees (Standing, Special and Citizen's Task Force) shall be conducted in accordance with the Open Meetings Act and are subject to these Rules of Procedure and other applicable laws of the State.</p>	<p>11.3 Public Notice of Committee Meetings All Council appointed Committee Meetings (Standing, Special and Citizen's Task Force) shall be provided and noticed to the public via email, website or available to be picked up in the office. Such notice will be in accordance with the Open Meetings Act and are subject to the Rules of Procedure and other applicable laws of the State.</p>	<p>11.3 Public Notice of Committee Meetings All Council appointed committee meetings shall be posted (or is it noticed?) to the public via e-blast and included on the website. Such notice will be in accordance with the Open Meetings Act and are subject to the Rules of Procedure and other applicable laws of the State.</p> <p>It looks as if some language had been copied and pasted from 6.10 regarding posting of materials. Committee' may or may not have materials to distribute.</p>
<p>10.4 Committee Authority Committee Chairs shall: a. Work with the Clerk/Deputy Clerk to properly notice the meeting to the public, and b. Make sure minutes are taken and provided to the Village Office for posting on the website, and c. Preside over the meeting.</p>	<p>11.4 Committee Authority Committee Chairs shall: a. Work with the Clerk/Deputy Clerk to properly notice the meeting to the public, and b. Make sure minutes are taken and provided to the Village Office for posting on the website, and c. Preside over the meeting.</p>	

Neither the Chair of a Committee nor any member of the Committee shall have any authority to take any action on behalf of the Village Council, unless instructed by the Council. A Committee may only make reports and recommendations to the Council on matters referred to it.	Neither the Chair of a Committee nor any member of the Committee shall have any authority to take any action on behalf of the Village Council. A Committee may only make reports and recommendations to the Council on matters referred to it.	
<p>10.5 Citizens Task Forces</p> <p>Citizen task forces may be established by a motion or resolution of the Council which specifies the task to be accomplished and the date of the Task Force's dissolution. Members of the Task Force will be appointed by the Village President subject to approval by a majority vote of the Council. Vacancies will be filled by majority vote of the Village Council in the same way appointments are made.</p>	<p>11.5 Citizen Task Forces</p> <p>Citizen Task Forces may be established by a motion or resolution of the Council which specifies the task to be accomplished and the date of the Task Force's dissolution. Members of a Task Force will be appointed by the President subject to the approval by a majority vote of the Council. Vacancies will be filled by majority vote of the Council in the same way appointments are made.</p>	<p>11.5 Citizen Task Force</p> <p>A citizen task force brings together people from the community who have broad range of interests and viewpoints to gather input from the larger community on a specific topic or issue that has been defined by the Village Council. A Citizen Task Force is will provide a written report/summary of findings making recommendations, providing information or advice on a specific issue. The Task Force is short-term duration, and the final report/summary of findings shall contain a recommendation for the dissolution of the Task Force once their designated task is complete.</p> <p>Members of a Task Force will be appointed by the President subject to the approval by a majority vote of the Council. Vacancies will be filled by majority vote of the Council in the same way appointments are made.</p>
		<p>11.6 Citizen Committee (This is not well thought out – but this would apply to our Beautification Committee and possibly ABCD group?) NEW</p>

		<p>A Citizen Committee may be established by the Village Council to support the Village Council:</p> <ul style="list-style-type: none"> • in completing certain tasks, • to obtain advice, • make recommendations on issues of policy, and • to assist the Village Council with obtaining public input on a wide variety of issues. <p>Committees composed wholly of Village employees and/or Village Council members are not to be included in this definition. A Citizen Committee is not required to have a sunset date and may define their own operating principles.</p>
<p>11. Authorization for Contacting Village Professional Service Providers</p> <p>Only the Village President and/or his or her designee shall contact vendors on behalf of the Village. This includes, but is not limited to, legal counsel, engineering staff, and other contracted and professional services. In addition, a report including any charges for services rendered, shall be provided to the Council either via Village email or at the next Village Council meeting.</p> <p>All responses from the Village Attorney on issues of law or procedure shall be in writing</p>	<p>12. Palmer made no changes.</p>	<p>12. Authorization for Contacting Village Professional Service Providers.</p> <p>(See ** below for the explanation!)</p> <p>Except as provided in Sections 1-3 below, no member of the Council is authorized, on behalf of the Village, to contact professional services providers without the consent, by motion, of the Village Council.</p> <p>Contact with the Village Attorney</p> <p>a. Unless there is an immediate (emergency need) no Council member shall contact the attorney on issues of law or procedure</p>

<p>and provided to the Village Council and the Village Office for filing.</p> <p>The Street Administrator and the Water Commissioner (in the case of an emergency) shall be authorized to contact professional service providers in fulfilling their statutory duties without prior approval of the Council.</p> <p>All Council Members who have been authorized to contact a professional service provider will provide a report (verbally or in writing) to the Council on the discussion including any request for additional information or action needed to move forward. Any and all electronic or written documentation related to those discussions – including bids, quotes or authorizations – will be made available to the Village Office and the Council.</p> <p>Authorization for payment to professional service providers or the Village Attorney shall not be approved unless procedures outlined in this section are followed.</p>	<p>without Council approval. The Council by majority vote may move to authorize a council member to contact the Village Attorney. <u>This will ensure the Council is aware of and has authorized the expenditure of funds.</u></p> <p>b. All questions submitted to the Village Attorney shall be in writing or, if initiated via phone, questions will be promptly documented and provided to the Village Office and to the Village Council as a public record.</p> <p>c. All responses from the Village Attorney shall be in writing and provided to the Village Council and the Village Office for filing.</p> <p>Section 1: This restriction does not apply to the Village Office or DPW staff in fulfilling their day to day operational responsibilities.</p> <p>Section 2: With the exception of the Village Attorney, the Street Administrator shall be authorized to contact professional service providers in fulfilling their statutory duties without the prior approval of the Council.</p> <p>Section 3: The Chair of the Water Committee – only in the case of a water related emergency – shall be authorized to contact the Village Engineers or other relevant</p>
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	<p>water system professionals without prior approval of the Council.</p> <p>All Council Members who have been authorized to contact a professional service provider will provide a report (verbally or in writing) to the Council on the discussion including any request for additional information or action needed to move forward. Any and all electronic or written documentation related to those discussions – including bids, quotes or authorizations – will be made available to the Village Office and the Council.</p> <p>Authorization for payment to professional service providers or the Village Attorney shall not be approved unless procedures outlined in this section are followed.</p> <p>** The current version issues:</p> <p>A. Paragraph 1 is inconsistent with paragraph 3. Paragraph 1 says “only the President”, but paragraph 3 provides for others to make those contacts under specific circumstances.</p> <p>B. We cannot mean that the DPW or the Village Office is not allowed to contact a provider – to get a quote? To request a consult on the copier or computer equipment? to ask about a bill? This seems to be overstepping our role as legislators and policy makers and bleeding into operations.</p> <p>C. The statutory duty of the Street Administrator is to “perform or cause to be</p>	
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		<p>performed” labor, repairs, and improvements... Does the Council accept the contacting of vendors or professional service providers as a part of performing those duties? The way this reads now, the Street Administrator “does” but is not allowed to plan to do!</p> <p>D. The President does not have the authority to expend dollars without prior approval. Period. The way this is written is the President has carte blanche with very little to no accountability to the Council or to the residents of the Village “the appropriation of money requires the majority vote of the Council and must be recorded in the minutes”. (GLVA 65.5)</p> <p>The Village of Benzonia has a similar section in their rules of procedure if you have questions about the validity of these changes.</p>

Empire Village Council Meeting Documentation

Date Prepared:	March 8, 2024	
Meeting Date:	March 14, 2024	Meeting Type: Work Session
Subject:	Planning Commission Budget	Author: Maggie Bacon

Overview or Problem Statement:

The Planning Commission is preparing the RFP for a planner for the Master Plan Update. As a part of that RFP, the PC wanted to indicate a budget range. Our estimated range is \$6,000 - \$10,000.

Networks Northwest indicated a FULL Master Plan is approximately \$17,5000. That would suggest the range set by the Planning Commission is appropriate.

Last year, PC had budgeted \$6,000 for professional services with a total budget of \$14,000. They spent just over \$4,000.

I am not able to locate any documentation on that request to **increase the budget** by \$4,000. Rather, the budget indicates a request for just \$4,000 for professional services for the current year.

The Clerk has said it is not advisable to amend the budget when no funds have been spent. In other words, there is not budget adjustment to be made. This is particularly true when the PC came in so far below budget last year. Yet, this creates a dilemma. What range will be acceptable to the Council?

Recommendation:

Approve a range of \$6,000 to \$10,000 for the PC to use for the Master Plan update RFP. This is not a request to amend or adjust the budget. It is a request to the Council to identify what will be an acceptable cost should an amendment be needed.

Meeting:	March 14, 2024
Subject:	Water Billing ACH Option
Author:	Alacia Acton

Overview:

The no. 1 request that I receive is to provide an option for automatic drafted payments for the water utility bill. BS&A Software allows for this. Huntington charges for this service. ACH bank fees are an additional \$35 per month and \$0.02 per deposit.

The time it takes to manually process payments adds up (sort and open mail, looking up account numbers, processing payments, preparing deposits and reports, journalizing receipts, the physical deposit at Huntington, finding bank/check errors). Once ACH is set up, the labor and time required to complete the billing cycle will be significantly reduced.

I have also recently switched account types at Huntington which will increase the interest earned from 0.3% to 3.5%. The water fund will see significantly more interest this fiscal year, conservatively \$4,000.

My recommendation: The time saved processing payments and the increase in earned interest justifies the additional bank fees at Huntington for ACH utility bill payments. Additionally, many customers will appreciate this added level of service.

Action Requested:

Council to consider approving ACH payment option for water utility customers, increasing bank fees in the water fund by approximately \$435 per year.



Village Council Meeting Documentation

Date Prepared:	3/7/2024	# of Pages: 1
Meeting Date:	3/14/2024	Meeting Type: Work session
Subject:	Personnel Pay Raises FY2024-25	Author: Meg Walton

Overview or Problem Statement: Pay raises were not included in the budget proposal for the February 28, 2024 deadline.

Questions: Should we provide a 5% pay increase for the following village employees: Clerk, Deputy Clerk, Treasurer, Zoning Administrator, DPW Superintendent, DPW Technician, Beach Ambassadors, Beach Maintenance, and DPW Seasonal worker.

Recommendation for Action: Approve the 5% pay raise for the above listed employees. This is in line with pay in other municipalities. Our pay scales need to be competitive if we are to retain and secure new employees. It is a competitive market in Leelanau County for all employees. The recent Consumer Price Index data is attached. The Social Security cost of living increases is also attached. The 5% increase coupled with 3% in FY 2023 will ensure the wages of village employees keeps pace with the cost-of-living increased rate of inflation

The village of Empire does not have performance standards for any job category or activity. Any discussion related to merit pay raises (that are tied to performance standards) are not applicable to this discussion

In the future, a formal legally reviewed standard of performance reviews and some type of "merit" pay could be submitted to the council for review and approval. Until that time comes, the safest and fairest way of action is to provide pay increases to "match a cost of living" for our employees.

Chart 2. 12-month percent change in CPI for All Urban Consumers (CPI-U), not seasonally adjusted, Jan. 2023 - Jan. 2024
Percent change

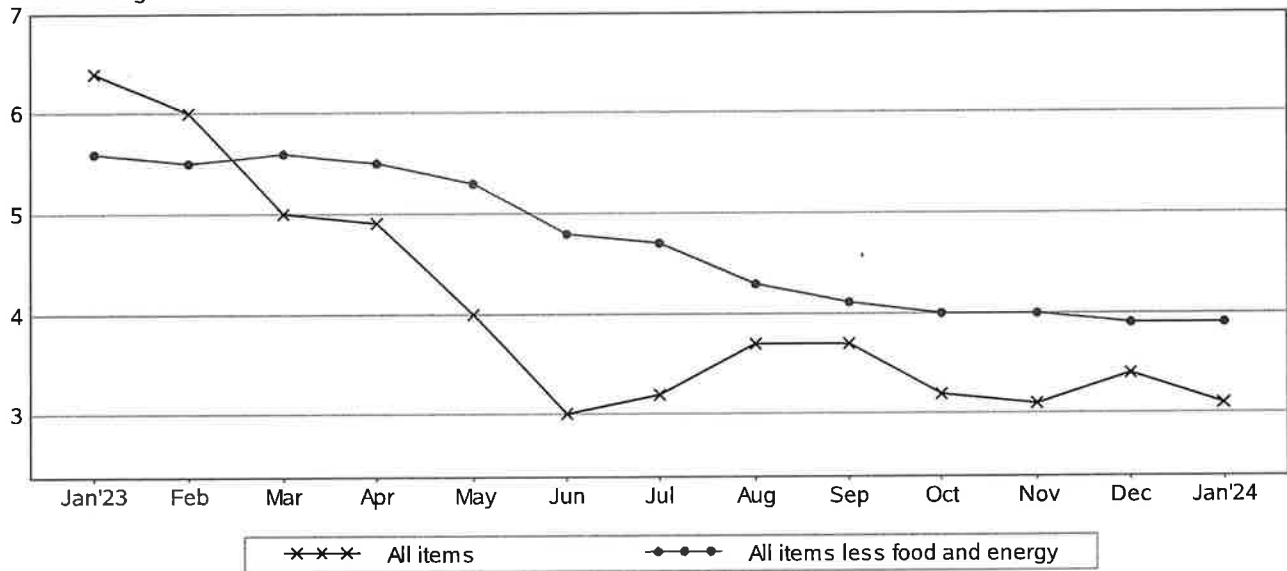


Table A. Percent changes in CPI for All Urban Consumers (CPI-U): U.S. city average

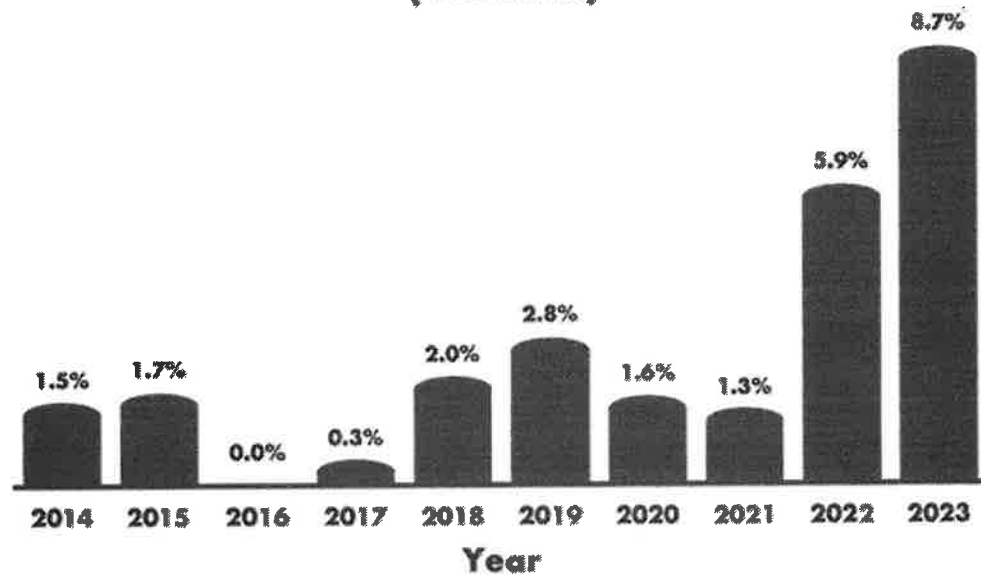
	Seasonally adjusted changes from preceding month							Un-adjusted 12-mos. ended Jan. 2024
	Jul. 2023	Aug. 2023	Sep. 2023	Oct. 2023	Nov. 2023	Dec. 2023	Jan. 2024	
All items.....	0.2	0.5	0.4	0.1	0.2	0.2	0.3	3.1
Food.....	0.2	0.2	0.2	0.3	0.2	0.2	0.4	2.6
Food at home.....	0.2	0.2	0.1	0.3	0.0	0.1	0.4	1.2
Food away from home ¹	0.2	0.3	0.4	0.4	0.4	0.3	0.5	5.1
Energy.....	0.0	4.4	1.2	-2.1	-1.6	-0.2	-0.9	-4.6
Energy commodities.....	-0.1	8.3	1.8	-4.3	-3.8	-0.7	-3.2	-6.9
Gasoline (all types).....	-0.2	8.3	1.6	-4.3	-4.0	-0.6	-3.3	-6.4
Fuel oil.....	2.1	11.2	6.4	-6.4	-1.1	-3.3	-4.5	-14.2
Energy services.....	0.1	0.1	0.3	0.4	1.0	0.3	1.4	-2.0
Electricity.....	-0.4	0.2	0.8	0.4	1.0	0.6	1.2	3.8
Utility (piped) gas service.....	1.5	-0.3	-1.4	0.3	1.2	-0.6	2.0	-17.8
All items less food and energy.....	0.2	0.2	0.3	0.2	0.3	0.3	0.4	3.9
Commodities less food and energy								
commodities.....	-0.3	-0.2	-0.2	0.0	-0.2	-0.1	-0.3	-0.3
New vehicles.....	0.0	0.2	0.2	-0.1	0.0	0.2	0.0	0.7
Used cars and trucks.....	-1.5	-1.9	-1.8	-0.4	1.4	0.6	-3.4	-3.5
Apparel.....	0.1	0.2	-0.3	0.0	-0.6	0.0	-0.7	0.1
Medical care commodities ¹	0.5	0.6	-0.3	0.4	0.5	-0.1	-0.6	3.0
Services less energy services.....	0.4	0.4	0.5	0.3	0.5	0.4	0.7	5.4
Shelter.....	0.5	0.3	0.6	0.3	0.4	0.4	0.6	6.0
Transportation services.....	0.8	1.6	0.7	0.9	1.0	0.1	1.0	9.5
Medical care services.....	-0.3	0.0	0.2	0.2	0.5	0.5	0.7	0.6

¹ Not seasonally adjusted.

The Consumer Price Index for All Urban Consumers (CPI-U) increased **3.1 percent** over the last 12 months to an index level of 308.417 (1982-84=100). Jan 4, 2024

Compared to December 2022 CPI inflation, CPI inflation fell by **3.1 percentage points**, from **6.5 percent** in December 2022 to **3.4** in December 2023.

Social Security Cost-of-Living Adjustments (COLAs)



Source: The Social Security Administration

The Motley Fool

The average COLA was 2.6% over the last 10 years for Social Security Recipients.

Current Wages**5% Pay Increase**

Clerk	28,850/yr	30,292.50/yr
Treasurer	9693/yr	10,177.65/yr
Zoning adm.	8750/yr	9,187.50/yr
Deputy Clerk	20.72/hr	21.76/hr
DPW Super	25.24/hr	26.50/hr
DPW Tech	21.36/hr	22.43/hr
Seasonal DPW	16.65/hr	17.48/hr
Beach Amb	15.00/hr	15.75/hr
Beach Maint	15.63/hr	16.41/hr

FYI

dpw@villageofempire.com

From: Dan Novak <DNovak@aisequip.com>
Sent: Thursday, March 7, 2024 3:30 PM
To: dpw@villageofempire.com
Cc: Karen Ross
Subject: Extended warranty Deere 310P

Hello John

John

Per our conversation yesterday
Here are two options for extended warranty for your new Tractor Backhoe

Power Train and Hydraulics – 60 months and 2500h (500h/year) = \$2500

Or

Comprehensive (Full warranty) – 60 months and 2500h = \$4,750 - note this one covers all components but comes with \$250 deductible.

Most of my customers go with the PTH warranty.

NOTE – I just got note that May 1st all extended warranty goes up 8%
So it might be most beneficial to make decision before that date.

Let me know if you have any questions

Thanks

Dan

PS – also confirm that your JD LINK works now ?

d

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