



Pamela Colestock – *Mayor*  
William Steele – *Mayor Pro Tem*  
Deb Malewski – *Council Member*  
Stacey Robison – *Council Member*  
Ken Nicholas – *Council Member*

Yvonne Ridge – *City Manager*  
Larry Joe Weeks – *Police Chief*  
Roger McNutt – *Fire Chief*  
LeRoy Hummel – *Building Official*  
Rob Pierce – *Public Works/Utilities Director*  
Genny Allen – *Treasurer/Finance Director*  
Robin Webb – *City Clerk*  
Corey Cagle – *Director of Parks, Recreation and Events*  
Randy Jewell – *City Assessor*  
Cullen Harkness – *City Attorney*

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## CITY COUNCIL MEETING

### AGENDA

February 26, 2024

7:00 p.m.

City Hall

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This meeting will be streamed live for viewing only at:

<https://us06web.zoom.us/j/81891922214>

Meeting ID: 818 9192 2214

*Please note all public comments must be made in person.*

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1. **CALL TO ORDER.**
2. **ROLL CALL.**
3. **PLEDGE OF ALLEGIANCE.**
4. **INVOCATION**
5. **APPROVAL OF THE AGENDA.**
6. **APPROVAL OF THE MINUTES OF February 12, 2024, CITY COUNCIL WORK SESSION MEETING.**
7. **APPROVAL OF THE MINUTES OF February 12, 2024, CITY COUNCIL MEETING.**
8. **APPROVAL OF CHECK DISBURSEMENTS TOTALING \$ 853,543.65**
9. **CITIZEN COMMENTS AND QUESTIONS.**
10. **UNFINISHED AND SPECIAL BUSINESS.**
  - a. **Approve Revised City Council Policies and Procedures Manual**
11. **ITEMS OF BUSINESS.**
  - a. **Approve School Resource Officer Intergovernmental Agreement Addendum.**
  - b. **Approve City Manager Employment Agreement Addendum.**

**c. Approve Visionary Builders Contract for Pavilion at Mill Pointe Park/Eaton County Parks and Recreation Grant.**

**d. Approve First Amended and Restated Power Purchase Agreement between City of Eaton Rapids and Grand River Power Company.**

**e. Approve Uniform Video Service Local Franchise Agreement between City of Eaton Rapids and DIRECTV, LLC.**

**f. Approve Purchase from Global Rental Company Inc. in the amount of \$187,134.00 for a small Bucket Truck for the City Electric Department.**

**g. Approve Repair from CSI Emergency Apparatus, LLC of the Fire Department Ladder Truck in the amount of \$9,875.00.**

## **12. CITIZENS COMMENTS AND QUESTIONS**

### **13. REPORTS.**

- a. Fire Chief, Police Chief, City Manager
- b. Council Members.
- c. Mayor

### **14. ADJOURNMENT.**

#### **ADDRESSING THE CITY COUNCIL**

This item on the agenda is for the public to present comments or questions to City Council regarding any topic. Anyone wishing to speak should raise their hand and when recognized by the Mayor, should stand, come to the microphone, give their name, and address and proceed with their comments or questions. In the interest of time, citizens may be limited **to five minutes** to present their comments or ask questions.

### **NEXT MEETING**

Monday, March 11, 2024

### **Boards and Commissions Openings:**

Zoning Board of Appeals (2)

LDFA (1)

Planning Commission (1)

DDA (1)

Local Officer's Compensation Committee (1)

**City of Eaton Rapids  
Work Session  
February 26, 2024**

A Work Session of the Eaton Rapids City Council was held at City Hall, 200 S. Main Street, on February 12, 2024, at 5:00 p.m.

**Call To Order:**

Mayor Colestock called the work session meeting to order at 5:00 p.m. Present were Mayor Colestock, Mayor Pro-Tem Steele, Councilpersons Nicholas, Malewski and Robison.

Administrative Staff Present were City Manager Ridge, Police Chief Weeks, Fire Chief McNutt, Treasurer/Finance Director Allen, Public Works and Utilities Director Pierce, Parks, Recreation and Events Director Cagle, City Clerk Webb, and City Attorney, Harkness.

**Public Comments: None**

**Unfinished and Special Business: None**

**New Business:**

**1. Streamgaging Station Contract – U.S. Geological Survey**

Discussion was had on the installation of a new Streamgage in the location of the old one on Petrieville Hwy. Contract dates 03/01/2024 – 09/30/2024.

**2. Department of Licensing & Regulatory Affairs – PrimeShop, LLC**

Discussion on liquor license for PrimeShop, LLC located in the city.

**3. Consumers Energy License Agreement**

Discussion on the 2-year agreement with Consumers Energy and the City of Eaton Rapids.

**Public Comments:**

Chief Weeks stated that a Ford vehicle should be available this week. Will pay cash and not finance.

Steeled moved, Robison seconded to go to closed session. Passed

Yeas – Steele, Robison, Malewski, Nicholas and Mayor Colestock

Nays – 0

Absent – 0

**Closed Session under 8(a) of the Open Meetings Act, for annual personnel evaluation.**

**Adjourned**

Robison moved, Steele seconded to adjourn meeting at 6:44.

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Pamela Colestock, Mayor

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Robin Webb, City Clerk

**City Council Meeting  
February 26, 2024**

A regular Eaton Rapids City Council meeting was held at City Hall, 200 S. Main Street, on February 12, 2024, at 7:00 p.m.

**Call To Order:**

Mayor Colestock called the meeting to order at 7:00 p.m.

**Roll Call:**

Mayor Colestock, Mayor Pro-Tem Steele, Councilpersons Nicholas, Robison and Malewski were present.

**Pledge of Allegiance:**

Those present recited the Pledge of Allegiance.

**Invocation:**

The invocation was given by Chris Ridler from Living Hope Community Church.

**Approval of the Agenda:**

Steele moved, Malewski seconded, PASSED to approve the meeting agenda with the addition of item 10a. Special Award.

**Approval of the minutes from January 22, 2024, City Council Work Session Meeting:**

Steele moved, Nicholas seconded, PASSED to approve the January 22, 2024, City Council revised Work Session meeting minutes.

**Approval of the minutes from January 22, 2024, City Council Meeting:**

Steele moved, Nicholas seconded, PASSED to approve the January 22, 2023, City Council revised meeting minutes.

**Approval of check disbursements totaling \$614,202.59.**

Steele moved, Malewski seconded, PASSED to approve the check disbursements totaling \$614,202.59.

**Citizen Comments and Questions:**

Chris Allen 1015 Hyatt St. representing G.A.R sponsoring a Museum History Event on the Island, also Kids Discovery Camp (Aug 13th), Color Guard for the 4<sup>th</sup> of July parade, hoping to encourage the 7<sup>th</sup> and 8<sup>th</sup> graders to place wreaths on the veterans' graves. Also, Chris stated that the 2024 speakers schedule is full.

**Unfinished and Special Business:**

a. Presentation of 2023 Chamber of Commerce Roger McNutt Public Safety Award to Fire Chief Roger McNutt.

**Items of Business:**

**a. Approval of the 2024 Easter Egg Hunt Special Event Application.**

Steele moved, Robison seconded, to approve the 2024 Easter Egg Hunt Special Event Application. Motion carried.

**b. Approval of the 2024 Memorial Day Parade Special Event Application.**

Steele moved, Robison seconded to approve the 2024 Memorial Day Parade Special Event Application. Motion carried.

**c. Approval of the 2024 Art in the Park/Free Fishing Tournament Special Event Application.**

Steele moved, Malewski seconded to approve the 2024 Art in the Park/Free Fishing Tournament Special Event Application. Motion carried.

**d. Approval of the 2024 Eaton Rapids 4<sup>th</sup> of July Celebration Special Event Application.**

Steele moved, Robison seconded to approve the 2024 Eaton Rapids 4<sup>th</sup> of July Celebration Special Event Application. Motion carried.

**e. Approval of the GAR Civil War Discovery Camp Special Event Application.**

Steele moved, Robison seconded to approve the G.A.R Civil War Discovery Camp Special Event Application. Motion carried.

**f. Approval of the 4<sup>th</sup> Annual Grand River Color Tour Triathlon Special Event Application.**

Steele moved, Malewski seconded to approve the 4<sup>th</sup> Annual Grand River Color Tour Triathlon Special Event Application. Motion carried.

**g. Approval of the 2024 Main Street Trick or Treat Special Event Application.**

Steele moved, Malewski seconded to approve the 2024 Main Street Trick or Treat Special Event Application. Motion carried.

**h. Approve Resolution 2024-01 To Approve Consumers Energy License.**

Steele moved, Malewski seconded to approve Resolution 2024-01 Consumers Energy License Agreement. Roll Call Vote:

Yeas: Steele, Malewski, Nicholas, Robison, and Mayor Colestock

Nays: 0

Absent: 0

**i. Approve the Mayors Monarch Pledge for 2024.**

Steele moved, Nicholas seconded to approve the Mayors Monarch Pledge for 2024. Motion carried.

**j. Approve CFS Gage Contract.**

Steele moved, Robison seconded to approve the CFS Gage Contract. Motion carried.

**Citizen Comments and Questions:**

Commissioner Barb Rogers presented the February Eaton County Newsletter, as well as information on the Dental Care available in Eaton County.

**13. Reports:**

- a. Fire Chief – Fire Department has hired 2 new firefighters. They will be available after training around November or December. The \$10,000 grant that was received has been fully

expended. The ladder truck repair estimate is \$9,875.00. This item will be brought to the council's next meeting.

b. Police Chief: None

c. City Manager – Housing Readiness Incentive Grant award letter has been received in the amount \$50,000, used to hire consultant to update City Master Plan, bids for Technical Assistance Grant/Statement of Work are being sought for the facility site design of a recycle center in industrial park, Michigan Municipal League Property appraisal has been completed. Director Pierce, Treasurer Allen, and City Manager Ridge will meet with MML to discuss, Community & Economic Development Specialist position that has been offered and processing the final steps in the hiring process. Start date March 18, 2024. Attended a day and a half of Michigan Municipal Executive Conference to foster and encourage the personal and professional development of its members to better serve your community and to promote, encourage, and preserve high ethical standards for the municipal executives. Congresswoman Slotkin, the Mayor, Mayor Pro Tem Steele and I did a tour of the Hospital with CEO Tim Johnson. Waiting for the next step of negotiations with Union Operating Engineers 324. Coming up March 12 and 13 Capital Conference in Lansing, Councilwoman Malewski and I will attend. The Data for the electrical rate study has been provided to Utility Financial Solutions (UFS) to work on compiling information and results will be available in the next few months. Pavement Surface Evaluation and Rating (PASER) Director Pierce and I worked with Tri-County Regional Planning and applied for the Transportation Asset Management Council (TAMC) Fiscal Year 2024 Non-Federal Aid (NFA) reimbursement program. This training and information are necessary to develop a road plan for the city. Ratings should be done every two years, the last one done in 2018. Director Pierce worked with C@AE Engineering to submit a grant in the amount of \$600,000 to support the Lead Line Replacement in the City, State Legislature appropriate \$48 million. 172 Applications totaling \$64,193,897 in requests for assistance in Lead Line Replacement. Project approved by the Planning Commission, in the process of obtaining the necessary Flood Plain permits from EGLE. The city has received a new bucket and is currently evaluating the condition and disposal plan of the old bucket truck. Peerless is working on collecting data to run the model for the Wellhead Protection Plan. Capital Area Transportation Authority (CATA) has been awarded 1.667 million of the continued coordination and expansion of transit regionally. Executive Director Brad Funkhouser for attending the Council Work Session and sharing information regarding EATRAN. Capital City Labor Program files a grievance Arbitration Request with Michigan Employment Relations Commission in response to denying the Step 3 Grievance at January 22, 2024 Council meeting. First request for the Clean Water State Revolving Fund (CWSRF) for reimbursement. State of Michigan has been granted a Presidential Declaration for Individual Assistance for August 2023 storms, city could possibly get \$50,000 in reimbursement for the storm. Pocket Park has been decorated for Valentine Day, giving thanks to Corey Cagle, councilwoman Malewski, Arts Council member Chris Sabastian, Downtown Development Authority and CEDAM Worker Breezy Marchs in making the park a Valentine picture. Congratulates Roger McNutt on receiving the first every Roger McNutt Public Safety Award. This City is proud of Chief McNutt's accomplishments. Director Cagle is starting to get approved the new year event applications, this enables him to publish these events.

d. Council Members

**Robison** – Thank you Park & Recs Director Cagle for all of the event plans. Thanked Chief McNutt for the legacy he has created.

**Nicholas** – none

**Malewski** –4<sup>th</sup> of July committee meeting took place and needs \$25.000, as well as sponsors. Shout out to Marks Place for District 76 award winning place to eat, worth the short drive. Mark's Place was also recognized by the Lansing Foody group. Fanciful Farms, also recognized as a sanctuary for wildlife. A request for the webcam on the river to be replaced.

**Mayor Pro Tem Steele** –congratulated Chief McNutt. Acknowledge that 2 years ago 4<sup>th</sup> of July was cancelled, but the residents celebrated anyway. Loves the packed event calendar for the community.

e. **Mayor** – February 26 will be the State of the City Address. Will cover the past year and the year ahead.

**Adjournment:**

Steele moved, Malewski seconded, PASSED to adjourn the meeting.  
The meeting was adjourned at 7.46 p.m.

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*Pamela Colestock, Mayor*

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*Robin Webb, City Clerk*

THE CITY OF  
**Eaton Rapids**  
 MICHIGAN

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MEETING DATE: FEBRUARY 26, 2024

TREASURER/FINANCE DIRECTOR

To: Mayor and City Council

Work Session

From: Genny Allen

Regular Meeting

Submitted: 2/26/2024

Subject: Expenditures for Council approval on Monday, February 26, 2024

**Summary**

This report of expenditures is provided to Council for review no later than the Friday preceding the Council meeting at which the expenditures are approved.

Questions about these expenditures should be directed to the Treasurer/Finance Director.

**Expenditures**

February 14 – 21, 2024	Accounts Payable Checks	\$357,216.25
February 16, 2024	Payroll	\$ 91,894.78
February 15, 2024	ACH - Grand River Power Company	\$ 9,450.00
February 15, 2024	ACH – Eaton Rapids Solar, LLC	\$ 3,163.68
February 19, 2024	ACH – MPPA	\$220,902.36
February 25, 2024	ACH – MPPA	\$ 38,150.88
February 26, 2024	ACH – MPPA	\$ 84,837.31
February 26, 2024	ACH – Benefits and Employer Payroll Taxes	\$ 47,928.39
	<b>Total</b>	<b><u>\$853,543.65</u></b>

**Suggested Motion**

Motion to approve the payment of expenditures in the amount of \$853,543.65.

Banks: GEN

Check Date	Bank	Check #	Payee	Description	GL #	Amount
02/14/2024	GEN	158684	ALTEC INDUSTRIES, INC.	INVOICE 8407403 TRUCK	611.901.98138	250,418.00
02/14/2024	GEN	158685	AMAZON	ELECTRICAL TOOLS	598.528.93200	95.03
		158685		ELECTRICAL TOOLS	598.538.93200	95.03
		158685		ELECTRICAL TOOLS	598.556.93200	97.91
						287.97
02/14/2024	GEN	158686	AMERICAN COPPER & BRASS, LLC	3/4 TYPE K X 100' SOFT QTY (3)	598.556.75200	1,768.70
02/14/2024	GEN	158687	AVANTOR	95062-835 SOY BROTH	598.556.74900	252.52
02/14/2024	GEN	158688	CAPITAL ASHPALT	UPM COLD PATCH TICKET# 00106126	203.463.74000	838.20
02/14/2024	GEN	158689	CINTAS FIRST AID & SAFETY #325	FIRST AID SUPPLIES	101.276.74401	24.24
		158689		FIRST AID SUPPLIES	101.336.74401	105.17
		158689		FIRST AID SUPPLIES	101.441.74401	50.10
		158689		FIRST AID SUPPLIES	598.528.74401	61.05
		158689		FIRST AID SUPPLIES	598.538.74401	50.22
		158689		FIRST AID SUPPLIES	598.556.74401	4.19
						294.97
02/14/2024	GEN	158690	CITY OF EATON RAPIDS	SPECIAL ASSESS 2023 300-010-200-002	280.804.98300	590.25
02/14/2024	GEN	158691	CITY OF EATON RAPIDS	CHECK TO PUT CASH BACK INTO TILL	101.253.69400	52.45
02/14/2024	GEN	158692	CLARK HILL	UTILITY ATTORNEY INVOICE 139573	598.538.80200	5,506.50
02/14/2024	GEN	158693	CONSUMERS ENERGY	GAS BILL 301 MARKET ST. UNIT B (FEB)	598.538.92100	132.13
02/14/2024	GEN	158694	CUMMINS BRIDGEWAY	ANNUAL LOAD TESTING GEN#3 WWTP	101.301.93100	397.55
		158694		ANNUAL LOAD TESTING GEN#3 WWTP	101.336.93100	397.55
		158694		ANNUAL LOAD TESTING GEN#3 WWTP	598.528.93100	1,035.10
		158694		ANNUAL LOAD TESTING GEN#3 WWTP	598.556.93100	885.10
						2,715.30
02/14/2024	GEN	158695	DETROIT SALT COMPANY LLC	LOAD OF ROCK SALT TICKET# 878717	101.441.74300	6,000.89
02/14/2024	GEN	158696	DEWPOINT	MICROSOFT MONTHLY- DEC 2023	101.299.81700	250.34
02/14/2024	GEN	158697	EATON COUNTY TREASURER-TX	2024-00000072 - TR-2022 TAX YEAR	101.253.60800	47.35
02/14/2024	GEN	158698	EATON COUNTY TREASURER-TX	TRAILOR TAXES	101.253.60800	25.65
02/14/2024	GEN	158699	EATON RAPIDS AREA CHAMBER	INVOICE 1853 2024 ANNUAL MEMBERSHIP	101.101.95700	100.00
02/14/2024	GEN	158700	EATON RAPIDS PUBLIC SCHOOLS	FUEL JAN 2024	101.301.74100	651.85
		158700		FUEL JAN 2024	101.336.74100	184.67
		158700		FUEL JAN 2024	101.441.74100	1,789.18
		158700		FUEL JAN 2024	598.528.74100	44.42
		158700		FUEL JAN 2024	598.538.74100	334.72
		158700		FUEL JAN 2024	598.556.74100	355.32

Banks: GEN

Check Date	Bank	Check #	Payee	Description	GL #	Amount
						3,360.16
02/14/2024	GEN	158701	GLENN BUEGE CHEVY	PV MAINTENANCE INV# 2628884/1	101.301.93400	81.16
02/14/2024	GEN	158702	GRANGER CONTAINER SERVICE, INC	PSB DUMPSTER INV# 26532230	101.301.93100	36.37
		158702		PSB DUMPSTER INV# 26532230	101.336.93100	36.36
						<u>72.73</u>
02/14/2024	GEN	158703	MARK LEASE	JOINT EXPO PARKING 2024- MARK LEASE	598.556.95800	10.00
02/14/2024	GEN	158704	MICHIGAN MUNICIPAL LEAGUE	POLICY PREMIUM INV 9613206	101.276.72000	46.67
		158704		POLICY PREMIUM INV 9613206	101.299.72000	456.67
		158704		POLICY PREMIUM INV 9613206	101.301.72000	2,922.65
		158704		POLICY PREMIUM INV 9613206	101.336.72000	91.33
		158704		POLICY PREMIUM INV 9613206	101.441.72000	3,714.51
		158704		POLICY PREMIUM INV 9613206	208.691.72000	114.17
						<u>7,346.00</u>
02/14/2024	GEN	158705	MIKA, MEYERS, BECKETT & JONES	PROF LEGAL SVS INVOICE 697797	101.441.80200	313.50
		158705		PROF LEGAL SVS INVOICE 697797	598.528.80200	313.50
		158705		PROF LEGAL SVS INVOICE 697797	598.538.80200	313.50
		158705		PROF LEGAL SVS INVOICE 697797	598.556.80200	313.50
						<u>1,254.00</u>
02/14/2024	GEN	158706	MIKA, MEYERS, BECKETT & JONES	PROF LEGAL SVS INVOICE 697796	101.301.80200	760.00
		158706		PROF LEGAL SVS INVOICE 697796	101.441.80200	99.00
		158706		PROF LEGAL SVS INVOICE 697796	598.528.80200	99.00
		158706		PROF LEGAL SVS INVOICE 697796	598.538.80200	99.00
		158706		PROF LEGAL SVS INVOICE 697796	598.556.80200	99.00
						<u>1,156.00</u>
02/14/2024	GEN	158707	MIKA, MEYERS, BECKETT & JONES	PROF LEGAL SVS INVOICE 697798	101.441.80200	304.00
		158707		PROF LEGAL SVS INVOICE 697798	598.528.80200	304.00
		158707		PROF LEGAL SVS INVOICE 697798	598.538.80200	304.00
		158707		PROF LEGAL SVS INVOICE 697798	598.556.80200	304.00
						<u>1,216.00</u>
02/14/2024	GEN	158708	NAPA AUTO PARTS	AUTO PARTS	101.441.93400	72.25
		158708		AUTO PARTS	208.691.93100	2.84
						<u>75.09</u>
02/14/2024	GEN	158709	POWER LINE SUPPLY COMPANY	FR COAT 101618-001/2XL	598.538.74200	190.00
02/14/2024	GEN	158710	POWER LINE SUPPLY COMPANY	SS SHIRT HI-VIS 100495-323/XL	101.441.74200	387.00
02/14/2024	GEN	158711	RANDY JEWELL	ASSESSING SERVICES - JANUARY 2024	101.257.81700	2,616.00
02/14/2024	GEN	158712	RESCO	#2 ACSR SUPER TOP TIE STT40	598.538.74400	362.50

Banks: GEN

Check Date	Bank	Check #	Payee	Description	GL #	Amount
02/14/2024	GEN	158713	ROSE PEST SOLUTIONS	PEST CONTROL - FEB 2024 INVOICE#7090	101.265.77600	73.00
02/14/2024	GEN	158714	SHARE CORPORATION	INVERTED TIP FLOURESCENT ORANGE	101.276.74400	96.71
		158714		INVERTED TIP FLOURESCENT ORANGE	101.441.74400	96.70
						193.41
02/14/2024	GEN	158715	SHRED HUB	SHRED SERVICE	101.299.73000	100.00
02/14/2024	GEN	158716	SPECTRUM PRINTERS INC	INVOICE 78293 E7 OUTER AV ENV-BLUE	101.262.73000	294.74
02/14/2024	GEN	158717	THE COUNTY JOURNAL	INVOICE 273427 PUBLIC ACCURACY TEST	101.262.90400	34.07
02/14/2024	GEN	158718	THE HARKNESS LAW FIRM, PLLC	LEGAL SERVICES	101.101.80200	688.00
		158718		LEGAL SERVICES	101.172.80200	17.20
		158718		LEGAL SERVICES	249.371.80200	606.70
		158718		LEGAL SERVICES	598.528.80200	34.40
		158718		LEGAL SERVICES	598.538.80200	34.40
		158718		LEGAL SERVICES	598.556.80200	34.40
						1,415.10
02/14/2024	GEN	158719	THE RIGHT TOUCH JANITORIAL	JANITORIAL SERVICES- INVOICE 11388	101.265.77600	360.00
02/14/2024	GEN	158720	UTILITY CONSULTING GROUP	PPCA CALCULATION 2024 INVOICE 20124	598.538.92300	204.75
02/14/2024	GEN	158721	WEATHER SHIELD ROOFING SYSTEMS	EMERGENCY REPAIRS TO LEAK IN WTP ROO	101.299.93100	725.48
02/21/2024	GEN	158722	ALTEC INDUSTRIES, INC.	INSPECTION AND SHOP SUPPLIES	598.538.93200	1,072.91
02/21/2024	GEN	158723	ALTEC INDUSTRIES, INC.	SERVICE, LABOR AND SHOP SUPPLIES	598.538.93200	2,202.22
02/21/2024	GEN	158724	ALTEC INDUSTRIES, INC.	TRAVEL TIME	598.538.93200	73.50
02/21/2024	GEN	158725	AMAZON	CITY HALL PHONE/ OFFICE EQUIP.	101.299.73000	178.29
02/21/2024	GEN	158726	AMAZON	CITY HALL DOOR KEYS PARTS	101.276.93100	63.48
02/21/2024	GEN	158727	AMAZON	IT EQUIPMENT FOR CH	101.299.73000	93.42
02/21/2024	GEN	158728	AMERICAN RENTALS	DPW PORTABLE TOILET	598.538.93210	116.00
02/21/2024	GEN	158729	C2AE	2023 CWSRF ENGINEERING	598.528.95500-P2301	1,447.43
02/21/2024	GEN	158730	C2AE	2023 BRIDGE LOAD RATINGS ENGINEERING	202.473.81900-P0324	995.98
02/21/2024	GEN	158731	CONSUMERS ENERGY	GAS BILL 200 S MAIN CITY HALL (FEB)	101.299.93100	473.33
02/21/2024	GEN	158732	CONSUMERS ENERGY	GAS BILL 700 CANAL ST. WTP (FEB)	598.556.92100	669.49
02/21/2024	GEN	158733	CONSUMERS ENERGY	GAS BILL 100 HOWE DR. (FEB)	208.691.92100	16.00
02/21/2024	GEN	158734	CONSUMERS ENERGY	GAS BILL 301 MARKET ST UNIT A (FEB)	101.441.92100	882.58
02/21/2024	GEN	158735	CONSUMERS ENERGY	GAS BILL 700 CANAL ST. WTP (FEB)	598.556.92100	92.50
02/21/2024	GEN	158736	CONSUMERS ENERGY	GAS BILL 301 MARKET ST. UNIT C (FEB)	598.538.92100	132.13

02/21/2024 01:35 PM  
User: LEIGH TYLER  
DB: Eaton Rapids

CHECK DISBURSEMENT REPORT FOR EATON RAPIDS  
CHECK NUMBER 158645 - 158756

Banks: GEN

Check Date	Bank	Check #	Payee	Description	GL #	Amount
02/21/2024	GEN	158737	CONSUMERS ENERGY	GAS BILL 112 E.HAMLIN ST. (FEB)	208.691.92100	82.84
02/21/2024	GEN	158738	CONSUMERS ENERGY	GAS BILL 300 MARKET ST. (FEB)	598.528.92100	2,167.72
02/21/2024	GEN	158739	CONSUMERS ENERGY	PSB GAS BILL INV# 205012914556	101.301.92100	660.60
		158739		PSB GAS BILL INV# 205012914556	101.336.92100	660.59
						<u>1,321.19</u>
02/21/2024	GEN	158740	GLENN BUEGE CHEVY	TIRE INSTALL INV# 2628998-1	101.301.93400	94.40
02/21/2024	GEN	158741	HUTSON INC.	MISC. HARDWARE FOR MOWERS 23/24 SEA	101.276.93200	4.99
02/21/2024	GEN	158742	INDIAN CREEK	TIRE REPLACEMENT FOR BACKHOE (4) D	101.441.93400	2,299.54
02/21/2024	GEN	158743	KENDALL ELECTRIC, INC.	1-1/2 COND O/T SEAL AS150	598.538.75000	27.10
02/21/2024	GEN	158744	KENNEDY INDUSTRIES INC.	PUMP REBUILD FOR HEADWORKS	598.528.95900	24,950.00
02/21/2024	GEN	158745	LANSING UNIFORM COMPANY	BADGE HOLDER FERGUSON INV# 102477-A	101.301.74200	29.95
02/21/2024	GEN	158746	MWEA	JOINT EXPO FOR WATER DEPARTMENT 2023	598.556.95800	320.00
02/21/2024	GEN	158747	POWER LINE SUPPLY COMPANY	18V MAKITA GRINDER TOOL ONLY	598.538.74400	195.00
02/21/2024	GEN	158748	POWER LINE SUPPLY COMPANY	LOADBREAK ELBOW 215LE45T	598.538.74400	1,095.40
02/21/2024	GEN	158749	RHD TIRE CO.	4 TIRES FOR IMPALA INV# 0898861	101.301.93400	496.00
02/21/2024	GEN	158750	SME	2023 BRIDGE HIGH PRIORITY REHAB TES	202.473.81900-P0325	7,400.00
02/21/2024	GEN	158751	STUART C. IRBY	1200A TIE SWITCH LANSING & CANAL	598.538.74400	10,085.00
02/21/2024	GEN	158752	STUART C. IRBY	SUBSTATION POST INSULATORS	598.538.74400	326.10
02/21/2024	GEN	158753	STUART C. IRBY	S&C 46KV 125A FUSE UNIT WEST SUB	598.538.74400	3,506.70
02/21/2024	GEN	158754	STUART C. IRBY	400:5 BUSHING MOUNT. CURRENT TRANSFO	598.538.74400	416.67
02/21/2024	GEN	158755	TOP NOTCH TREE CARE, LLC	REMOVE TREE FROM POWER LINES	598.538.80800	1,000.00
02/21/2024	GEN	158756	USA BLUE BOOK	LAB SUPPLIES WWTP	598.528.74900	2,079.98
			TOTAL - ALL FUNDS	TOTAL OF 73 CHECKS		357,216.25

## Salaries and Wage Report By General Ledger Fund-Dept

Payroll Date: 02/16/2024

	Amount
Fund: 101 General Fund	
Department: 172 City Manager	\$1,214.88
Department: 215 City Clerk	\$631.62
Department: 253 City Treasurer	\$1,711.28
Department: 276 Cemetery	\$2,958.20
Department: 301 Police Department	\$24,647.53
Department: 336 Fire Department	\$2,093.75
Department: 441 Public Works	\$3,975.71
Department: 445 Storm Sewers	\$148.94
Fund: 202 Major Street Fund	
Department: 445 Storm Sewers	\$154.80
Department: 463 Street Maintenance	\$1,061.72
Department: 473 Bridges	\$138.66
Department: 478 Winter	\$356.10
Department: 484 Recordkeeping	\$121.18
Fund: 203 Local Street Fund	
Department: 445 Storm Sewers	\$154.80
Department: 463 Street Maintenance	\$1,448.86
Department: 478 Winter	\$472.50
Fund: 208 Parks/Recreation Fund	
Department: 691 Parks/Recreation	\$5,382.75
Fund: 218 Rental Inspection Program	
Department: 371 Building Inspections	\$600.00
Fund: 249 Building Inspection Fund	
Department: 371 Building Department	\$3,993.86
Fund: 280 LDFA (Industrial Park Fund)	
Department: 804 Industrial Park	\$583.32
Fund: 598 Utilities	
Department: 528 Sewer	\$11,570.64
Department: 538 Electric	\$21,513.83
Department: 556 Water	\$6,959.85
<b>Payroll Total Gross Wages for 02/16/2024</b>	<b>\$91,894.78</b>



# City Council Policies and Procedures Manual

Adopted August 12, 2019  
Updated February 26, 2024

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## **Our Mission**

*Eaton Rapids, the Island City, is committed to maintaining a rural setting while offering citizens access to nearby urban educational, cultural, and recreational activities. It is a safe, clean community, bridging small town values yet progressive ideas.*

## **Foreword**

In the course of serving as a public official, there are a myriad of issues with which you will become involved. This manual attempts to centralize information on common issues related to local government and your role as a member of the City of Eaton Rapids Council.

The issues that are addressed in this publication are often complex and subjective. This manual is intended to be a guide and is not a substitute for the counsel, guidance, or opinion of the City Manager and/or the City Attorney.

The protocols included in this reference document have been formally adopted by the City Council. Provisions contained herein will be reviewed as needed or every two years.

# Chapter 1: Introduction and Overview

As a member of the City Council, you not only establish important and often critical policies for the community, you are also a board member of a public corporation having an annual budget of several million dollars. The scope of services and issues addressed by the City organization go well beyond those frequently reported in the newspaper or discussed at Council meetings.

## 1.01 Council-Manager Form of Government

The City of Eaton Rapids is a Council-Manager form of government. As described in Michigan law and in our City Charter, certain responsibilities are vested in the City Council and the City Manager. This form of government prescribes that a Council's role is that of a legislative policy-making body which determines not only the local laws that regulate community life, but also determines what public policy is and gives direction to the City Manager to administer the affairs of the City government in a prudent and businesslike manner.

## 1.02 Purpose of a City Council Policies and Procedures Manual

The City of Eaton Rapids has prepared this policies and procedures manual to assist the City Council by documenting accepted practices and clarifying expectations. Administration of City Council affairs is greatly enhanced by the agreement of the City Council and staff to be bound by these practices. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide members of the Council in their actions. This manual is not intended to supersede or conflict with relevant laws, rules, or regulations.

## 1.03 Overview of Basic City Documents

This protocol manual provides a summary of important aspects of City Council activities. However, it cannot incorporate all material and information necessary for undertaking the business of the City Council. Many other laws, plans, and documents exist which bind the City Council to certain courses of action and practices. The following is a summary of some of the most notable documents that establish City Council direction.

### A. *City Charter*

This is the Charter of the City of Eaton Rapids which establishes boundaries, gives definitions, and lists the Officers, Powers, and Liabilities of the City of Eaton Rapids.

**B. *Ordinances***

These include a variety of local laws and regulations including, but not limited to, zoning standards, health and safety issues, traffic regulations, building standards, and revenue and finance issues.

**C. *Employee Handbook***

It is the policy of the City of Eaton Rapids to uphold, promote, and demand the highest standards of ethics from all its elected and appointed officials. Accordingly, all members of the City Council, members of all appointed boards, commissions, committees, City employees, consultants and professional service providers are expected to maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties; avoid any improprieties in their roles as public servants; and never use their City position or powers for personal gain. The Employee Handbook addresses general rules of conduct and provides guidelines for City officials to be worthy of public trust and abide by their Oath of Office.

**D. *Compiled Laws of Michigan***

The state laws contain many requirements for the operation of City government and administration of meetings of City Councils throughout the state. The City of Eaton Rapids is a “Home Rule City”, which means it operates under the laws of the state and by the City’s Charter.

**E. *Annual Budget***

The annual budget is the primary tool and road map for accomplishing the goals of the City. The budget document is the result of one of the most important processes the City undertakes. By adopting the annual budget, the City Council makes policy decisions, sets priorities, allocates resources, and provides the framework for government operations. The city operates on a Fiscal Year Budget from July 1 to June 30 each year.

**F. *Annual Financial Report***

The annual financial report includes the financial statements of the City for the fiscal year. It includes the financial condition of the City as reflected in the balance sheet, the results of operations as reflected in income statements, an analysis of the uses of City funds, and related footnotes. The annual financial report includes statements for the various groups of funds and a consolidated group of statements for the City as a whole.

**G. *Master Plan***

A Master Plan addresses the community’s long-range planning needs relative to land use, transportation, economic development, and other planning elements. The City’s Master Plan is reviewed on an ongoing basis and should be revised at least every five years.

*H. Capital Improvement Plan*

The Capital Improvement Plan serves as a guide for determining priorities, planning, financing, and constructing capital projects which add to, support, or improve the physical infrastructure, capital assets, or productive capacity of City services.

#### 1.04 Orientation of New Members

It is important for the members of the City Council to gain an understanding of the full range of services and programs provided by the City. As new members join the City Council, the City Manager will host an orientation program that provides an opportunity for members to tour municipal facilities and meet with key staff.

Another training opportunity for members of the Council is the Michigan Municipal League Newly Elected Officials Academy program. At any time, if there are facilities or programs about which you would like more information, arrangements will be made to increase your awareness of these operations.

# Chapter 2. General Powers and Responsibilities

## 2.01 City Council Generally

Fundamentally, the powers of the City Council are to be utilized for the good of the community and its residents; to provide for the health, safety, and general welfare of the citizenry. The City Council is the policy making and lawmaking body of the City.

State law and local ordinances grant the powers and responsibilities of the Council. It is important to note that the Council acts as a body when it comes to establishing policies, voting, and in other significant areas, all members are equal. It is also important to note that policy is established by at least a majority vote of the Council. While individual members may disagree with decisions of the majority, a decision of the majority does bind the Council to a course of action. Members of the Council should respect the adopted Council policy. In turn, it is the staff's responsibility to ensure the policy of the Council is upheld.

The actions of staff to pursue the policy direction established by a majority of Council do not reflect any bias against Council members who hold a minority opinion on an issue.

### A. *Board Non-Participation in Administration*

In order to uphold the integrity of the council-manager form of government, and to provide proper checks and balances, members of the City Council refrain from becoming directly involved in the administrative affairs of the City. As the Council is the policy making body and the maker of local laws, its involvement in enforcement of ordinances would only damage the credibility of the system.

Except for the purpose of inquiry, the Council and its members will deal with the administrative service solely through the City Manager or designee, and neither the Council nor any committee or member of a committee shall give orders to any subordinate of the City Manager.

## 2.02 Role of Council Members

Members of the Eaton Rapids City Council are collectively responsible for establishing policy, adopting an annual budget, and providing vision and goals to the City Manager.

The following outline is a brief description of the various duties of Council members. The description is not intended to be comprehensive, but rather it is an effort to summarize the primary responsibilities of the Council.

- A. *Summary of Council Duties and Responsibilities:*
1. Establish Policy
    - a. Adopt goals and objectives
    - b. Establish priorities for public services
    - c. Approve/amend the operating and capital budgets
    - d. Approve purchases over the thresh hold of the Purchasing Policy
    - e. Adopt resolutions
  2. Enact Local Laws
    - a. Adopt ordinances
  3. Supervise Appointed Officials
    - a. Appoint City Manager, City Attorney, Police Chief and Fire Chief
    - b. Evaluate performance of officials listed above
    - c. Establish advisory boards and commissions
    - d. Make appointments to advisory bodies
    - e. Provide direction to advisory bodies
  4. Provide Public Leadership
    - a. Relate wishes of constituents to promote representative governance
    - b. Mediate conflicting interests while building a consensus
    - c. Call special elections as necessary
    - d. Communicate the City's vision and goals to constituents
    - e. Represent the City's interest at regional, county, state, and federal levels
  5. Decision-Making
    - a. Study problems
    - b. Review alternatives
    - c. Determine best course of public policy
  6. Agenda and Special Meetings
    - a. Special Meetings shall be called by the City Clerk on the written request of the Mayor or any two members of the Council.
    - b. No business shall be considered by the Council at a regular meeting, unless placed upon the agenda for the meeting not later than 12:00 o'clock noon, on the Friday preceding the meeting, except upon the approval of three (3) or more members of the Council.

### 2.03 Role of the Mayor

The Mayor, in addition to any other powers or duties provided by law shall:

1. Be the ceremonial head and chief officer of the City
2. Presiding officer of the Council
3. Have all the power and duties of a Council Member including the power and duty to vote, but shall not possess veto power
4. Give the Council information concerning matters pertaining to the legislative and policy functions of the Council and give the Mayor's recommendations thereon
5. In emergencies, have the powers conferred by law upon peace officers and shall exercise such powers to correlate the work of the City's officers and departments to prevent disorder, to preserve the public peace and health, and to provide for the safety of persons and property
6. Execute or authenticate by his signature such instruments of the City as the Council, the Charter, or any State or Federal law may require
7. Make appointments of members of committees and boards of the City, subject to confirmation thereof by the Council
8. Be privileged to participate in meetings of all committees of the Council, but without the right to vote
9. Set the agenda for Council meetings
10. Voting member of the Downtown Development Authority

### 2.04 Absence of Council Members

If any members of the Council will be absent from the City for an extended period of time or absent from a scheduled meeting, they shall notify the City Clerk in advance of such absence. An Office shall be deemed vacant if the Mayor or Council Member are absent from four consecutive regular meetings of the Council, unless such absences, with reasons therefor stated at the time and appearing in the journal of the meeting from which the member was absent, be excused; or absence from twenty-five percent of such meetings in any calendar year.

### 2.05 Appointment of Officer

The City Council is responsible for appointing the City Manager, Police Chief, Fire Chief, and City Attorney. The City Manager, Police Chief, Fire Chief and City Attorney serve at the pleasure of the Council. The City Manager is responsible for all personnel within the City organization except for the Police Chief and Fire Chief who answer directly to the City Council.

## 2.06 Advisory Bodies

### A. *Appointments Made by the Council*

Boards, commissions, and citizen committees provide a great deal of assistance to the Eaton Rapids City Council when formulating public policy and transforming policy decisions into action. The City has several standing boards and commissions. In addition, special purpose committees and task forces are often appointed by the City Council to address issues of interest or to conduct background work on technical or politically sensitive issues. Special or ad hoc committees will be dissolved upon completion of the intended task.

The procedures established in this manual reflect the policy of the City Council regarding the appointment of volunteer citizens to the various advisory bodies of the City. The establishment of these procedures ensures that well-qualified, responsible, and willing citizens are given the opportunity to serve the City and participate in the governing of their community.

The City Council is specifically empowered to create certain advisory boards and commissions pursuant to the provisions of Michigan law, or such advisory boards or commissions not specifically enumerated, as the Council deems necessary or advisable. In the exercise of this power, it is the desire of the City Council to establish a consistent policy in its decision-making role to fairly and equitably evaluate those citizens of the community who demonstrate desire to serve on such boards or commissions.

For all vacancies, a minimum 30-day filing period generally applies. However, the Mayor may modify this process under extenuating circumstances, as he or she deems appropriate. The City Clerk will notify the City Manager and the Mayor of the vacancy and have the Mayor make a recommendation for the appointment to the Board that Council will approve.

### B. *Qualifications, Terms of Service, Forms*

Persons wishing to be considered for appointment or reappointment will submit an application to the Mayor's Office. The Mayor will review applications and make a recommendation to Council for appointments. It is the policy of the City to evaluate each applicant on an objective basis, utilizing the following criteria:

1. *Residency* – In making appointments of administrative officers, first consideration shall at all times be given to electors of the City.
2. *Occupation* – The Mayor and City Council will attempt to maintain a broad mix of occupational backgrounds on all boards and commissions.
3. *Knowledge of Municipal and Planning Process* – When ranking equally qualified applicants, the Mayor and City Council will consider background experience and knowledge of the municipal process as appropriate to the position in reaching its decisions.

4. *Contributive Potential* – The Mayor and City Council will evaluate the potential contribution that each applicant may make if appointed or reappointed to a board or commission. Criteria to guide the Council in its evaluation may include:
  - a. Ability to communicate
  - b. Desire to perform public service
  - c. Ability to express ideas, concepts, or philosophies
  - d. Desire to participate in decision-making process
  
5. *Leadership Potential* – Since each appointee may be called upon to serve as a Chair, the Mayor and City Council will evaluate leadership abilities, such as:
  - a. Past or present leadership experience (current employment, special interests, etc.)
  - b. Past or present participation in community services
  - c. Expressed interest in a leadership role

#### *C. Resignations*

Resignations are given to the Board Chair or the City Clerk, who then lets the Mayor know of the resignation for the Mayor to make a recommendation.

#### *D. Appointments*

A person who holds or has held an elective city office shall not be eligible for appointment to an office or for employment for which compensation is paid by the city, until six months have elapsed following the term for which that person was elected or appointed in the case of filling a vacancy. No person shall, at the same time, hold two city elective offices, or an elective and an appointive city office, or a city office and an elective school district office.

#### *E. Rules of Conduct*

By accepting appointment to any City board or commission, members thereby agree to conduct themselves in accordance with the following rules of conduct.

1. All members of City boards and commissions will abide by all applicable state laws, City ordinances, and other doctrines relating to the conduct of board or commission members.
  
2. Nothing contained herein is intended to preclude a board or commission member from speaking as an individual citizen, so long as the following conditions are met:
  - a. The individual clearly identifies that he/she is speaking only as an individual citizen and is not in any manner representing or speaking on behalf of the board or commission of which he/she is a member; and

- b. No board or commission member testifies orally or in writing as to any quasi-judicial matter being heard, or having the possibility of being heard, by the board or commission of which the person is a member.

*F. Board Members' Role and Relationship with City Advisory Bodies*

1. Unless specifically authorized by majority vote of a quorum of the Council, no Council member shall be authorized to state or testify to the policy or position of the Council before any advisory board or commission of the City.
2. Limitations on the conduct of Council members before the City's advisory boards and commissions should be voluntarily undertaken in order to assure public confidence in the decision-making process and avoid the appearance of bias, prejudice, or improper influence. Toward this purpose, the following protocol should be observed:

## 2.07 Ethics Ordinance

The following is a list of City ordinances establishing the ethical guidelines of the City Council:

**Sec. 2-117. - Definitions.**

For the purpose of this article, certain terms, phrases, words, and their derivations shall be construed as specified in this section. Where terms are not defined, they shall have their ordinarily accepted meanings within the context in which they are used. Words in the singular include the plural and the plural the singular.

City means the City of Eaton Rapids.

Employee means any person employed by the city who is not designated as an officer by the Charter or by ordinance.

Gifts means anything of value over one hundred dollars (\$100.00) given without consideration or expectation of return.

Officials include, but shall not be limited to, the mayor, the members of council, the administrative officers named in the Charter, their deputies, and members of city boards.

Official action, official duties mean a decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary authority.

Private interest means an advantage or increase in wealth, possessions, power, or other benefits for an individual.

(Ord. No. 2001-1, 2-12-01)

Sec. 2-118. - Nondiscrimination.  
modified

In the exercise of its power or in the performance of its duties the city and all its agencies shall ensure that no person or group engaged in conduct of official business or seeking to do business with the city is discriminated against because of race, creed, political orientation, color, national origin, marital status, gender, age, disability, religion, height, weight, and familial status.

(Ord. No. 2001-1, 2-12-01; Ord. No. 2015-7, 3-23-15)

Sec. 2-119. - Conflict of interest.

(a) Voting. No member of the council may vote on any question upon which that member has a direct or indirect financial interest. Otherwise, each member of the council shall vote on each question before the council for determination, unless excused therefrom by the affirmative vote of all remaining members able to vote on the question. If a question is raised under this section at any council meeting, such question shall be voted on before the question to which it applies is voted upon, but the council members affected may not vote on such a determination. (b) Business dealings with the city. All contracts and other dealings of public servants of the City of Eaton Rapids with the City of Eaton Rapids shall be in accordance with state law (1968 P.A. 317 as amended, MCL 15.321 through 15.329).

(Ord. No. 2001-1, 2-12-01)

Sec. 2-120. - Prohibitions.  
modified

(a) Discrimination. No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of race, creed, political orientation, color, national origin, marital status, gender, age, disability, religion, height, weight, and familial status, or for any cause not reasonably related to the accomplishment of a legitimate governmental purpose. (b) Preferential treatment. A city official or employee shall not use his/her official position to unreasonably secure, request or grant, any privileges, exemptions, advantages, contracts, or preferential treatment for himself/herself, a relative or any other person, persons, or groups. (c) Gifts/solicitation/bribery. No city official or employee shall solicit or accept a gift or loan of money, goods, services, or other thing of value for the benefit of a person or organization, other than the city, which tends to influence the manner in which the city official or employee or another city official or employee performs their official duties. (d) Confidentiality. A city official or employee who acquires information in the course of his/her official duties, which by law or policy is confidential, shall not divulge that information to any unauthorized person nor use the information to further the private interest of the city official or employee or any third party. (e) False statements/misrepresentation. No city official or employee shall knowingly make any false statement, utterance, remark, or other communication regarding any aspect relating to the official business of the City of Eaton Rapids.

Additionally, a city official or employee shall not represent his or her personal opinion as that of the city or one of its agencies or departments. (f) Use of city property. No official or employee of the city shall request, use, or permit the use of any publicly supported property, vehicle, equipment, material, labor or service for the personal convenience or the private advantage of himself or of any other person. This rule shall not be deemed to prevent any official or employee from requesting, using, or permitting the use of such publicly owned or publicly supplied property, vehicle, equipment, material, labor or service which is made available by general practice, to the public at large or which is provided, as a matter of stated public policy, for the use of officials and employees in the conduct of official business.

(Ord. No. 2001-1, 2-12-01; Ord. No. 2015-7, 3-23-15)

## Chapter 3. Support Provided to the City Council

### 3.01 Staff / Clerical Support

Staff and administrative support to members of the City Council is provided through the City Manager's Office. Members of the Council will consult with the City Manager regarding the need for staff assistance.

### 3.02 Office Equipment

To enhance Council members' service to the community and their ability to communicate with staff and the public, the City provides meeting facilities and office equipment for City business. For those members of the Council who do not have or do not wish to use personally owned computers for City business, the City has computers available and the necessary software with Internet and e-mail capabilities.

Training in the use of computers and related software may be available, if needed. While staff will maintain those computer applications related to City affairs, staff cannot provide assistance for personal computer applications.

It is important to note that all letters, memoranda, and interactive computer communication (e-mail) involving City Council members and members of advisory boards and commissions, the subject of which relates to the conduct of government or the performance of any governmental function, with few exceptions stated by the Freedom of Information Act (FOIA), are public records.

When individual Council members have completed their term of office, they shall return all City property, equipment, computers, and software to the City Manager.

#### *A. Business Use and Limited Personal Use*

The City's electronic equipment and information systems are intended for professional business use in performing the duties of a Council member. Limited personal use may be permitted, according to the following guiding principles:

1. It is incidental, occasional and of short duration;
2. It does not result in incremental expense to the City;

3. It does not solicit for or promote commercial ventures, religious or political causes, outside organizations or other solicitations not directly related to the duties of a Council member;
4. It does not violate the other “prohibited uses” or other specific limitations outlined in this policy.
5. Election and/or campaigning activities are strictly prohibited on city computers, equipment or city provided emails.

**B. *Prohibited Uses***

The creation, transmission, downloading or storage of any document, data or message which reasonably can be construed as relating to or promoting the following, are prohibited:

1. Discrimination or harassment on the basis of age, race, color, gender, creed, marital status, national origin, disability or sexual orientation;
2. An expression regarding personal political or religious beliefs;
3. An expression of rumors or gossip about any individual or group of individuals;
4. Any communication unrelated to City affairs meant to solicit for or promote commercial ventures, religious or political causes, outside organizations or other non-job-related solicitations;
5. Any information that violates copyright laws;
6. Copying any City-licensed computer software for personal use is prohibited;

**C. *Internet Use: Browsing, List-Servs, Newsgroups, etc.***

1. It is the policy of the City to maximize the cost-effective use of its computer systems as a means to improve efficiency and productivity. All Council members are responsible for using the Internet resources in an effective, ethical, and lawful manner, and in accordance with this policy.
2. Using City equipment or City Internet connection to violate the integrity of another system (hacking) is prohibited.

**D. *System Security***

1. *Acquisition of computer equipment.* All acquisitions of information systems components will be coordinated through the City Manager.

2. *Conscientious care.* All Council members are responsible for caring for the personal computer system components that they are assigned or using. Employees are responsible for promptly reporting any equipment, software, and data damage and/or destruction of which they become aware. Any damage caused by personal use, including repair costs, will be the responsibility of the Council member.
3. *Downloading/installing software* (including upgrades and screensavers). The City computer system is designed to work in a network environment. Installation of unauthorized software can result in damaging the integrity of the system. Council members are responsible for obtaining the approval of the City Manager before downloading or installing software on any City computer.
4. *Downloading files from the Internet.* Council members are individually and directly responsible for checking files for viruses using the latest version of the recommended virus-checking program. Downloading or uploading files is restricted to City business.
5. *Unauthorized access.* Council members are prohibited from using “loopholes” or knowledge of a special password to damage computer systems, obtain extra resources, or to gain access to systems for which proper authorization has not been given. Council members are responsible for keeping their password confidential and not sharing it with other users.
6. *Use of aliases.* Use of aliases while using the Internet or internal e-mail is prohibited. Anonymous messages and anonymous newsgroup postings are prohibited.
7. *Unlicensed or copied software is prohibited on any City computer.* No Council member may use unlicensed or copied software on any City computer. In addition to the disciplinary penalties provided for in Section 10.02, the City shall seek reimbursement from any Council member who installs, downloads, uses or authorizes the use of any unlicensed or copied software on any City computer, of any fines, costs or other expenses incurred by the City resulting from such use.

*E. Computer Printers, Photocopy Machines*

1. *Computers & Printers.* All passwords must be known to the city. The use of passwords to access the computer system or to secure specific files does not provide users with an expectation of privacy of the respective system or document.
2. *Photocopy Machines.* Council members may use City photocopy machines for personal use by paying a photocopy charge of 10 cents per page, if said use meets the criteria outlined in Subsection 3.02(A) above and does not violate Subsection 3.02(B) of this policy.

3. *Other equipment.* Except as provided in this policy, Council members will not use or convert City equipment for personal use. In no event shall a Council member take City property to his or her home, except as provided herein, assigned, or otherwise intended to be portable (e.g. notebook computers, wireless phones/PDAs, etc.).

*F. Monitoring, Enforcement and Penalties*

1. All hardware, software, programs, applications, templates, data, and data files residing on City information systems or storage media, whether City business or personal, are the property of the City of Eaton Rapids. The City retains the right to access, copy and change, alter, modify, destroy, delete, or erase this property without prior notice to Council members.
2. The City retains the right to monitor and audit the use of e-mail and Internet use. The right to use these technologies does not include the right to privacy.
3. Deleted documents, messages and data may be retrieved from a variety of points in the network. Council members should assume that electronic evidence discovery might recover deleted or unsaved data.
4. Council members' use of a personal Internet account on City equipment, and Council members' use of a City Internet account on personal equipment are subject to the provisions of this policy. Said Council members should be aware that their personal e-mail and electronic files could be reviewed as part of a FOIA request.

### 3.03 Mail, Deliveries

Members of the City Council receive mail and other materials that are delivered primarily through the use of mailboxes located at City Hall. Individual mailboxes are maintained for each Council member, and they are encouraged to check mailboxes often. In addition, City staff will email materials whenever appropriate.

## Chapter 4. Financial Matters

### 4.01 Board Compensation

The City of Eaton Rapids provides for payment of a modest honorarium to members of the City Council which is set by the Local Officer's Compensation Commission pursuant to the City Charter.

### 4.02 Budget

The annual City budget includes appropriations for expenses necessary for members to undertake official City business. The funding provided includes membership in professional organizations, attendance at conferences or educational seminars, purchase of publications and office supplies.

### 4.03 Travel Policy

Members of the City Council, City boards and commissions are subject to the following travel policy:

#### *A. Travel Involving an Overnight Stay*

All reasonable transportation expenses for approved travel (as defined in the following paragraphs) will be reimbursed. Elected and appointed officials should endeavor to attend training and conferences in the state whenever possible, if such training or conference is of comparable value to that offered out of state. Interested members should consult with the City Council at a regular work session prior to signing up for training as funds are available on a limited annual basis as adopted in the City budget. The City Clerk can make the necessary arrangements for overnight stays at conferences.

#### *B. Reimbursement of Travel Expenses*

A fully itemized claim for expense reimbursement must be submitted to the Finance Department within 30 days of the close of the authorized travel period.

1. *Transportation Costs* – Reimbursement costs for transportation will be at the cost of the most reasonable means of transport.
2. *Hotel / Motel Accommodations* – Reasonable expenses will be reimbursed at the rate of the single-room rate per person. Government or discount rates should be obtained wherever possible.

3. *Individual Meals - Same Day Travel* – Reasonable costs of necessary meals while conducting City business outside of Eaton County are reimbursable.
  - (a) Receipts must accompany all reimbursement claims.
  - (b) The cost of meals for official functions (community or professional organizations or associations - usually include speaker and/or room rental) will be paid at full actual cost.
  - (c) Tips are allowable for reasonable amounts.
  - (d) Reimbursement will not be paid for alcoholic beverages.
  - (e) Reimbursement will not be paid for expenses for spouses, guests, non-employees, or other persons not authorized to receive reimbursement under this policy or state laws.
  - (f) Reimbursement may be claimed by one person for several employees or officials eating together, as long as all the names are listed on the reimbursement claim.
  
5. *Incidental Expenses* – Reasonable costs for parking, taxis, buses, rental cars (if necessary), etc., will be paid if itemized on the claim form and accompanied by a receipt. The use of rental cars must have prior approval via the purchase request form. The cost of long-distance telephone calls to the City for City business will be reimbursed, and one telephone call home per day of reasonable length (i.e., 15 minutes) will be reimbursed.
  
6. *Personal Vehicles* – Mileage for the pre-approved use of personal vehicles will be reimbursed at the IRS allowable mileage rate. Employees using their personal vehicle from home to a destination different from their usual work site are reimbursed for miles driven more than their usual commute to and from work. The Finance Director will publish the IRS rate by memo at the beginning of each calendar year.
  
7. *Reporting of Actual Expenses* – Except for those eligible expenses that qualify for petty cash reimbursement in accordance with City policy, all actual eligible expenses should be reported on an expense reimbursement request form to be filled out by the official within 30 days after completion of travel. Receipts must be attached for all expenses claimed, except for per diem for meals. Expense reimbursement requests should be signed by the same party originally approving the travel and filed with the Finance Director for processing.

# Chapter 5. Communications

## 5.01 Overview

Perhaps the most fundamental role of a Council member is communication:

- Communication with the public to assess community opinions and needs, and to share the vision and goals of the City with constituents;
- Communication with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives.

Because the City Council performs as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking for the Council. Equally important, when members are expressing personal views and not those of the Council, the public should be so advised.

## 5.02 Correspondence from Council Members

Members of the City Council will often be called upon to write letters to citizens, businesses, or other public agencies. Typically, the Mayor or City Manager will be charged with transmitting the City's position on policy matters to outside agencies on behalf of the City Council. Individual members of Council will often prepare letters for constituents in response to inquiries, or to provide requested information. The Uniform City letterhead has been approved by the City Manager and is available for this purpose. Staff can assist in the preparation of such correspondence.

On occasion, members may wish to correspond on an issue on which the Council has yet to take a position, or about an issue on which the Council has no position. In these circumstances, members should clearly indicate that they are not speaking for the City Council as a whole, but for themselves as one member of the Council. City letterhead and office support may be utilized in these circumstances.

Council members may occasionally be asked to prepare letters of recommendation for students or others seeking employment or appointment. It is appropriate for Council members to utilize City letterhead and their Council titles for such letters. City letterhead and staff support cannot be utilized for personal or political purposes.

### 5.03 Local Ballot Measures

Act 269 of the Public Acts of Michigan of 2015 (“Act 269”) amended Michigan’s Campaign Finance Act, Act 388 of the Public Acts of Michigan of 1976 (“Act 388”) and included language in Section 57(3) of Act 388 to prohibit a public body, or a person acting for a public body, from using “public funds or resources” for a “communication” that “references a local ballot question” and is “targeted to the relevant electorate where the local ballot question appears on the ballot” during the 60 days prior to the election on that ballot proposal. A violation of the provision by an individual can result in a misdemeanor conviction and a maximum \$1,000 fine. If a public body violates the provision, the public body may be fined up to \$20,000.

At times, initiatives may be placed on the ballots that affect City Council policy. It is the policy of the City Council to restrict what actions the City will take on ballot measures. Specifically, the City will not use its personnel, equipment, materials, buildings, or other resources to influence the outcome of elections. What the City can do is distribute informational reports or pamphlets for the purpose of informing the public of the facts of an issue.

### 5.04 Proclamations

Proclamations are issued by the City Council as a ceremonial commemoration of an event or issue. Proclamations are a way the City can make special recognition of an individual, event, or issue.

### 5.05 Freedom of Information Act (FOIA)

To ensure that business communications submitted to and by elected and appointed officials comply with the Michigan Freedom of Information Act and the Michigan Open Meetings Act the following is set forth:

#### *A. Communications – Generally*

All letters, memoranda, and interactive computer communication involving City Council members and members of advisory boards and commissions, the subject of which relates to the conduct of government or the performance of any governmental function, with few exceptions as stated by FOIA, are public records. Copies of such letters, memoranda, and interactive computer communication may not be provided to the public or news media without the filing of a FOIA request with the City according to the FOIA policy.

#### *B. Written Communications*

Written letters and memoranda received by the City, addressed to a Council member or the Council as a body, will be photocopied and provided to all City Council members, and a copy kept according to the City’s Records Retention Schedule.

C. *Electronic Communications*

1. Informal messages with no retention value and that do not relate to the functional responsibility of the recipient or sender as a public official, such as meeting notices, reminders, telephone messages and informal notes, do not constitute a public record. Users should delete these messages once their administrative purpose is served.
2. All other messages that relate to the functional responsibility of the recipient or sender as a public official constitute a public record. Such records are subject to public inspection and copying.
3. E-mail communications that are intended to be shared among three or more Council members, whether concurrently or serially, must be considered in light of the Open Meetings Act. If the intended purpose of the email is to have a discussion that should be held at an open meeting, the electronic discussion should not occur. Further, the use of e-mail communication to form a collective decision of the Council is inappropriate.
4. E-mail should be used cautiously when seeking legal advice or to discuss matters of pending litigation or other “confidential” City business. In general, e-mail is discoverable in litigation, and even deleted e-mail is not necessarily removed from the system. Confidential e-mail communications should not be shared with individuals other than the intended recipients, or the attorney-client privilege protecting the document from disclosure may be waived.
5. E-mail between Council members and between Council members and staff shall not be transmitted to the public or news media without the filing of a FOIA request according to the FOIA Policy.
6. Council members should exercise caution with using e-mail, since Council members’ conventional e-mail addresses include the City’s “return address”.

# Chapter 6. Conflicts of Interest and Liability of Elected Officials

## 6.01 Conflicts of Interest

The laws and court decisions regarding conflict of interest are some of the most complicated in the books. To understand its effect on a Council member's actions, it is suggested that members discuss the law and potential conflicts with a private attorney or the City Attorney. It is imperative that Council members disclose their involvement with other organizations, with vendors, or any associations that might be or might reasonably be seen as being a conflict.

### A. *Acts Not Constituting a Conflict of Interest*

- Receiving municipal services on the same terms and conditions as if not a City official. Thus, when a Council member who owns a business within the City votes for or against an increase in the business license fees, a conflict would not exist because this action would apply to all businesses in the City.
- An officer or employee of another political subdivision or public agency unless it is the same governmental entity being served who is voting on a contract or decision which would not confer a direct economic benefit or detriment upon the officer. Therefore, a Council member who is a schoolteacher may vote to enter into an intergovernmental agreement with the school district, unless such an agreement would confer some direct economic benefit, such as a salary increase, upon the Council member.

A City official may sell equipment, material, supplies, or services to the City if this is done in accordance with the City's Purchasing Policy.

### B. *Declaration of a Conflict*

When the Council is to decide upon an issue about which a member has a conflict of interest, that member shall:

1. Declare that a conflict of interest exists and make it known in the official records of the City, prior to Board deliberation; and
2. Refrain from voting or in any way influencing a decision of the City Council
3. A City Council member has the right to raise a question to the entire Council about the potential of a conflict of interest of another Council member. If such a question is raised at a public meeting, it may be raised as a point of order prior to or during discussion of the business item which the Council member believes is a conflict of interest. The Council member in question of a conflict of interest will have the right to discuss the issue with the rest of the Council and answer any

questions the Council may have in order to determine if a conflict of interest exists.

*C. City Attorney Opinions*

A Council member's request for an opinion from the City Attorney concerning conflict of interest is confidential. However, formal final opinions are a matter of public record and must be filed with the City Clerk if Council waives attorney-client privilege. This filing requirement does not apply to verbal communications between Council members and the City Attorney. Council members may seek advice from a private attorney, at their own expense, concerning potential conflicts. In such cases, no disclosure policy would apply.

*D. Prohibited Acts*

(Ordinance 2-119)

- *Voting.* No member of the council may vote on any question upon which that member has a direct or indirect financial interest. Otherwise, each member of the council shall vote on each question before the council for determination, unless excused therefrom by the affirmative vote of all remaining members able to vote on the question. If a question is raised under this section at any council meeting, such question shall be voted on before the question to which it applies is voted upon, but the council members affected may not vote on such a determination.
- *Business dealings with the city.* All contracts and other dealings of public servants of the City of Eaton Rapids with the City of Eaton Rapids shall be in accordance with state law (1968 P.A. 317 as amended, MCL 15.321 through 15.329).
- *Discrimination.* No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of race, creed, political orientation, color, national origin, marital status, gender, age, disability, religion, height, weight, and familial status, or for any cause not reasonably related to the accomplishment of a legitimate governmental purpose.
- *Preferential treatment.* A city official or employee shall not use his/her official position to unreasonably secure, request or grant, any privileges, exemptions, advantages, contracts, or preferential treatment for himself/herself, a relative or any other person, persons, or groups.
- *Gifts/solicitation/bribery.* No city official or employee shall solicit or accept a gift or loan of money, goods, services, or other thing of value for the benefit of a person or organization, other than the city, which tends to influence the way the city official or employee or another city official or employee performs their official

duties.

- *Confidentiality.* A city official or employee who acquires information in the course of his/her official duties, which by law or policy is confidential, shall not divulge that information to any unauthorized person nor use the information to further the private interest of the city official or employee or any third party.
- *False statements/misrepresentation.* No city official or employee shall knowingly make any false statement, utterance, remark, or other communication regarding any aspect relating to the official business of the City of Eaton Rapids. Additionally, a city official or employee shall not represent his or her personal opinion as that of the city or one of its agencies or departments.
- *Use of city property.* No official or employee of the city shall request, use, or permit the use of any publicly supported property, vehicle, equipment, material, labor or service for the personal convenience or the private advantage of himself or of any other person. This rule shall not be deemed to prevent any official or employee from requesting, using or permitting the use of such publicly owned or publicly supplied property, vehicle, equipment, material, labor or service which is made available by general practice, to the public at large or which is provided, as a matter of stated public policy, for the use of officials and employees in the conduct of official business.

## 6.02 Liability

The City must always approach its responsibilities in a manner that reduces risk to all involved. Nevertheless, with such a wide variety of high-profile services, risk cannot be eliminated. To better manage insurance and risk, the City participates in risk- and loss-control activities.

It is important to note that violations of certain laws and regulations by individual members of the City Council may result in the members being personally liable for damages which would not be covered by the City's insurance. Examples may include discrimination, harassment, or fraud.

Elected and appointed officials should participate in risk management training to reduce liability due to actions taken, especially in the areas of land use.

# Chapter 7. Interaction with City Staff/Officials

## 7.01 Overview

The City Council policy is implemented through dedicated and professional staff. Therefore, it is critical that the relationship between Council and staff be well understood by all parties so policies and programs may be implemented successfully. To support effective relationships, it is important that roles are clearly recognized.

## 7.02 Council-Manager Form of Government

The City of Eaton Rapids has a council-manager form of government. Basically, with this structure, the City Council's role is to establish City policies and priorities. The Council appoints a City Manager to implement those policies and undertake the administration of the organization.

The City Manager is appointed by the City Council to enforce its laws, to direct the daily operations of City government, to prepare and monitor the principal budget, and to implement the policies and programs initiated by the City Council. The City Manager is responsible to the City Council, rather than to individual Council members, and directs and coordinates the various departments.

The council-manager form of government is outlined in the City Charter and the City Manager job description. The powers and duties of the City Manager include:

- Appoint such of the administrative officers, except the Chief of Police, Fire Chief and the City Attorney, as the Council shall designate, notwithstanding Section 6.2 of the City Charter, except in the absence of the City Manager, then subject to confirmation by the Council before any such appointment shall be effective.
- Supervise and coordinate the work of the administrative officers and departments of the City placed under the control and direction of the City Manager.
- Perform the duties of the Budget Committee and prepare and submit to the Council the annual budget proposal of the City, together with supporting information in explanation thereof.
- Establish and maintain a central purchasing service for the City.
- Supervise and coordinate the personnel policies and practices of the City.
- Keep informed and report to the Council concerning the work of the several administrative officers and departments of the City, insofar as such work is not prescribed and directed by law, and, to that end, may secure from the

administrative officers and department heads such information and periodic or special reports as the City manager or the Council may deem necessary.

- In case of conflict of authority between officers and administrative departments, or in the case of administrative authority, occasioned by inadequacy of Charter or ordinance provisions, resolve the conflict or supply the necessary authority, so far as may be consistent with law and the ordinances of the City, and direct the necessary action to be taken in conformance therewith, making a full report to the Council at its next meeting.

### 7.03 City Council Non-Interference

The City Council is to work through the City Manager when dealing with administrative services of the City. In no manner, either directly or indirectly, shall a Council member become involved in, or attempt to influence, personnel matters that are under the direction of the City Manager. Nor shall the City Council be involved in, or influence, the purchase of any supplies beyond the requirements of the City Purchasing Policy.

Except for the purpose of inquiry, the Council and its members will deal with the administrative service solely through the City Manager or designee, and neither the Council nor any committee or member of a committee shall give orders to any subordinate of the City Manager.

### 7.04 City Council/City Manager Relationship

The employment relationship between the City Council and City Manager honors the fact that the City Manager is the chief administrator of the City. All dealings with the City Manager, whether in public or private, should respect the authority of the City Manager in administrative matters. Disagreements should be expressed in policy terms, rather than in terms that question satisfaction with or support of the City Manager.

The City Manager respects and is sensitive to the policy responsibilities of the City Council and acknowledges that the final responsibility for establishing the policy direction of the City is held by the City Council.

#### A. *Performance Evaluation*

The City Council is to evaluate the City Manager on an annual basis to ensure that both the City Council and City Manager agree about performance and goals based upon mutual trust and common objectives.

### 7.05 City Council/City Attorney Relationship

The City Attorney is the legal advisor for the Council, its committees, commissions and boards, the City Manager, and all City officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the City. The general legal responsibilities of the City Attorney are to:

1. Provide legal assistance necessary for formulation and implementation of legislative policies and projects;
2. Represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations, and similar proceedings;
3. Prepare or approve as to form ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes and intentions of the City Council; and
4. Keep City Council and staff apprised of court rulings and legislation affecting the legal interest of the City.

It is important to note that the City Attorney does not represent individual members of the Council, but rather the City Council as a whole.

## 7.06 Roles and Information Flow

### A. *Council Roles*

The full City Council retains the authority to accept, reject, or amend the staff recommendation on policy matters. Members of the City Council must avoid intrusion into those areas that are the responsibility of staff. Individual Council members may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the City Council as a whole. This is necessary to protect staff from undue influence and pressure from individual Council members, and to allow staff to execute priorities given by management and the Council as a whole without fear of reprisal. If a Council member wishes to influence the actions, decisions, recommendations, workloads, work schedule, or priorities of staff, that member must prevail upon the Council to do so as a matter of Council policy.

### B. *Access to Information*

The City Manager is the information liaison between Council and City staff. Requests for information from Council members are to be directed to the City Manager and will be responded to promptly. The information requested will be copied to all members of Council so that each member may be equally informed. The sharing of information with the City Council is one of the City Manager's highest priorities.

There are limited restrictions when information cannot be provided. The City is legally bound not to release certain confidential personnel or public safety information.

### *C. Staff Roles*

The Council recognizes the primary functions of staff as executing Council policy and actions taken by the Council and in keeping the Council informed. Staff are obligated to take guidance and direction only from the City Manager or Department Director. This direction follows the policy guidance of the City Council as a whole. Staff are directed to reject any attempts of individual Council members to unduly direct or otherwise pressure them into making, changing, or otherwise influencing recommendations.

## 7.07 Dissemination of Information

In addition to regular, comprehensive memoranda written by the City Manager directly to City Council concerning all aspects of City operations (exclusive of confidential personnel issues), all Council members receive copies of all correspondence received by the City Manager that will assist them in their policy-making role. The City Manager also provides other documents to the Council on a regular basis, such as status reports, executive summaries, and weekly staff reports.

A variety of methods are used to share information with Council. Work sessions are held to provide detailed presentations of matters. Council/staff retreats serve to focus on topics and enhance information exchange. The City Manager's open-door policy allows individual Council members to meet with the Manager on an impromptu or one-on-one basis.

## 7.08 Magnitude of Information Request

Any information, service-related needs, or policy positions perceived as necessary by individual Council members that cannot be fulfilled based upon the above guidelines should be considered as an item for the agenda of a City Council meeting. If so, directed by action of the Council, staff will proceed to complete the work within a Council-established timeline.

## 7.09 Staff Relationship to Advisory Bodies

Staff support and assistance may be provided to advisory boards, commissions, and task forces. Advisory bodies, however, do not have supervisory authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and, ultimately, the City Manager. The members of the commissions, boards, or committees are responsible for the functions of the advisory body. The chairperson is responsible for committee compliance with

City ordinances and/or committee bylaws. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations.

Staff support includes: (1) preparation of a summary agenda after approval by the chairperson; and (2) preparation of reports providing a background of the issues, a list of alternatives, recommendations, and appropriate backup materials, if necessary. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues.

Advisory bodies wishing to communicate recommendations to the City Council shall do so through adopted Council agenda procedures. In addition, when an advisory body wishes to correspond with an outside agency, correspondence shall be reviewed and approved by the City Council. Advisory boards or committees presenting a proposal to the City Council shall endeavor to have a representative attend the meeting of the City Council in which the proposal is to be discussed.

## 7.10 Restrictions on Political Involvement by Staff

Professional staff formulates recommendations in compliance with Council policy for the good of the community, not influenced by political factors. For this reason, it is very important to understand the restrictions of political involvement of staff.

By working for the City, staff members do not surrender their rights to be involved in political activities. Employees may privately express their personal opinions. They may register to vote, sign nominating, or recall petitions, and they may vote in any election.

City staff will not use their position to unduly force or influence subordinates, volunteers, committee, or board members.

## Chapter 8. City Council Meetings

The City Council's collective policy and law-making powers are put into action at the Council meetings. It is here that the Council conducts its business. The opportunity for citizens to be heard, the availability of local officials to the citizenry, and the openness of Council meetings all lend themselves to the essential democratic nature of local government.

### 8.01 Regular Meeting Schedule

The City Council shall meet in regular session on dates and times for the following year as approved by a resolution of the City Council at the first regular meeting in December.

### 8.02 Special Meetings

The City Council shall meet in special session at the call of the City Clerk upon the written request of the Mayor or of two members of the City Council. Notice of special meetings shall be given to each City Council member at least 18 hours in advance of the special meeting. This does not preclude the calling of special meetings with less notice as defined by the Open Meetings Act.

### 8.03 Closed Meetings

#### A. *Procedure*

The City Council may meet in closed session, closed to the public, upon the motion of any member and concurrence of three (3) members. The vote shall be recorded in the minutes of the meeting at which the decision to hold a closed session was made.

#### B. *Purposes*

The City Council shall hold closed sessions only for the following purposes:

1. To consider the dismissal, suspension, or disciplining of a public officer, employee, staff member or individual, or to hear complaint or charges against such a person, but only when the object of the proposed action or charges requests the meeting to be closed.
2. To consider negotiation strategy connected with negotiation of a collective bargaining agreement.

3. To consider the purchase or lease of real property prior to the time that an option to lease or purchase such real property is secured.
4. To consult with the City attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental effect on the City's litigating or settlement position.
5. To review the specific contents of an application for employment to a City office and the applicant requests that the application remain confidential. Whenever the Council shall meet to interview an applicant it shall be in open session.
6. To consider material exempt from discussion or disclosure by State or federal statute.

#### C. *Minutes*

At each closed session, the Clerk shall keep a separate record. This record of minutes shall not be disclosed to the public except upon court order. The Clerk may destroy said minutes after one (1) year and one (1) day have passed following the meeting at which the Council approved the closed session.

### 8.04 Work Sessions

The City Council may meet informally in a work session. The work session is the forum used by the Council to review forthcoming programs of the City, to receive progress reports on current issues, or to receive similar information from the City Manager and others.

Except for the public comment period provided in accordance with the Open Meetings Act, no audience participation is intended during any work session, unless permitted by the consent of a majority of the Council present.

### 8.05 Place of Meeting

Regularly scheduled meetings shall be held in the Council Chamber's in the City Hall, 200 S. Main Street, Eaton Rapids, Michigan, 48827. Whenever the regular meeting room of the City Council shall appear to be inadequate for members of the public to attend, the Mayor or Clerk may change the meeting to a larger facility located in the City. Notice of such a change shall be prominently posted on the door of the City Hall and regular meeting room and may be published in a newspaper of general circulation in the City.

### 8.06 Time of Meetings

Regularly scheduled meetings shall begin at 7:00pm unless the Council shall, by a majority vote of the City Council (three or more affirmative votes), set a different starting time. When scheduled, work sessions are generally scheduled to begin at 5:00pm

unless the Council shall, by a majority vote of the City Council (three or more affirmative votes), set a different starting time.

### 8.07 Change in Schedule

Changes to the regularly scheduled meetings shall not be made except upon approval of a majority vote of the City Council (three or more affirmative votes). In the event the Council shall meet, and a quorum is not present, the meeting will not be held.

### 8.08 Acts of God

In the event a meeting cannot be held, due to an act of God such as storm, flood, or fire, the meeting shall be rescheduled as soon thereafter as possible.

### 8.09 Public Notice of Meetings and Hearings

The City Clerk shall be responsible for providing the proper notification for all meetings of the City Council. Such notification shall include, but is not limited to, the following:

#### *A. Regular Meetings*

On or before the first Monday in January in each calendar year, notice of the times, days, and places of the Council's regularly scheduled meetings shall be permanently posted, in a publicly conspicuous place at the City Hall.

#### *B. Schedule Change*

Whenever the Council shall change its regular schedule of meetings, the Clerk shall post notice of the change within five (5) business days following the meeting in which the change was made.

#### *C. Special and Emergency Meetings*

If the Council shall reschedule a meeting or call a special meeting under Section 8.02, the Clerk shall post a notice of such a change immediately. No meeting except emergency meetings and those rescheduled due to an act of God shall be held until the notice shall have been posted at least 18 hours.

#### *D. Notification to Media and Others*

The Clerk shall notify, without charge, any newspaper, or radio or television station of such meeting schedule, schedule changes, or special meetings, whenever such newspaper, radio or television station shall have filed with the Clerk, a written request for such notice. The Clerk shall also notify other individuals or organizations of regular meeting schedules, changes in the schedule, or special meetings, but only upon written request and agreement to pay the City for printing and postage expenses.

## 8.10 Quorum, Attendance, Call of the City Council

### A. *Quorum*

Three City Council members shall constitute a quorum for the transaction of business at all meetings of the City Council.

### B. *Absence of City Clerk*

Upon the absence of the City Clerk, the Clerk shall have a Recording Secretary act on their behalf.

### C. *Attendance*

Regular attendance is expected, and each Council member is expected to notify the Clerk or Mayor whenever absence is anticipated in a timely manner.

## 8.11 Placing Items on the Agenda

### A. *Agenda Planning Committee*

All matters to be presented to the City Council at its regular and special meetings are reviewed by the Mayor, City Manager and City Clerk. The Mayor, City Manager and City Clerk comprise the Agenda Planning Committee.

### B. *City Council*

A Council member may request an item be considered on a future agenda either by making an oral request at a City Council meeting or submitting the request in writing to the Mayor or City Manager at least five (5) working days prior to the meeting for which the item is requested to be placed on the agenda. Staff professional opinions may be written to accompany the item for discussion and a vote on the matter. The Mayor sets the Agenda. No business shall be considered by the Council at a regular meeting, unless placed upon the agenda for the meeting not later than 12:00 o'clock noon, on the Friday preceding the meeting, except upon approval of four or more members of Council.

### C. *Advisory Bodies and Civic Organizations*

Advisory bodies of the City Council and other civic agencies (i.e., Chamber of Commerce, Historical Society, etc.) may submit items for the Council by submitting a request in writing to the Mayor or City Manager at least 5 working days prior to the meeting for which the item is requested to be placed on the agenda.

### D. *Members of the Public*

A member of the public may request an item be placed on a future agenda while addressing the City Council during a regular meeting and/or by submitting the request in writing to the City Council, through the City Clerk's office, who will then immediately forward the request to the Agenda Planning Committee. To allow sufficient time for Council to review and staff to research the matter, the request should be submitted at least 10 working days prior to the meeting for which the item is requested to be placed on the agenda. Once the issue has been placed on the agenda, the City Clerk will notify the requester so that he or she may plan to attend the meeting.

### *E. Emergency Items*

Emergency items may be added to an agenda as necessary. Emergency items are only those matters immediately affecting the public health, safety, and welfare of the community, such as widespread civil disorder, disasters, and other severe emergencies. The reason(s) for adding an emergency item to the agenda shall be announced publicly at the meeting, and the issue shall be included in the minutes of the meeting.

## 8.12 Development of the Agenda

City staff will work collectively to supply the City Council with reports and supporting documents related to each topic of discussion on the City Council agenda. The City Manager is responsible for including a general report on each topic of discussion on the agenda. Each item on the agenda shall have sufficient explanation to indicate its intent. All questions introduced that do not appear on the agenda will be referred to a later meeting, except by suspension of these rules. The complete agenda shall also be published on the City's website no later than 12:00 p.m. the Friday preceding the next meeting.

## 8.13 Order of Business

The City Council, by adoption of this manual, establishes the general order of meetings. This section summarizes each meeting component. The Council may, at any time by simple majority of those present, vote to consider items in a different order. The agenda shall be arranged in the following order of business:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Invocation
5. Meeting Agenda Approval
6. Approval of Minutes
7. Approval of Invoices
8. Public Comment
9. Unfinished and Special Business
10. New Business
11. Public Comments
12. Reports
13. Closed Session
14. Adjournment

*A. Call to Order*

The Mayor presides over all meetings of the City Council, and after determining that a quorum is present, calls the meeting to order. In the absence of the Mayor, the Mayor Pro Tem shall call the meeting to order. Following the call to order and roll call, those in attendance are asked to join the Council in reciting the Pledge of Allegiance and remain standing for the Invocation.

*B. Roll Call*

The City Clerk, or designee, takes roll and announces the presence or absence of individual Council members.

*C. Meeting Agenda Approval*

This is the time when Council members or the City Manager may withdraw or move items from the agenda. A simple majority of those present may vote to consider items in a different order.

*D. Public Comment*

This item of the agenda is reserved for members of the public who wish to speak on any item. The Public Comment period is limited to a time limit of five (5) minutes per speaker will be enforced unless a longer period is permitted by the presiding officer. No person shall be allowed a second opportunity to comment until all persons have had a first opportunity.

Each person addressing the Council will first come to the microphone and give his or her name and address in an audible tone of voice for the record. All remarks will be addressed to the Council as a body and not to any member thereof. No person other than the Council and the person having the floor will be permitted to enter any discussion, either directly or through a member of the Council, without the permission of the Mayor.

Other than asking questions for the purposes of gaining insight or clarification, Council members shall not interrupt or debate with members of the public during their comments. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation of the Council, through the presiding officer. After the Council makes a motion, no person will address the Council without first securing the permission of the Mayor.

Speakers with specific questions or concerns will be encouraged by the presiding officer and/or City Manager to bring it to the attention of the appropriate department(s), whenever possible. If it is felt that the matter has not been resolved satisfactorily, they are then encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

*E. Unfinished and Special Business*

The City Council may receive awards or special recognitions from various agencies, committees, or individuals during this segment of the meeting.

The Council may also take the opportunity to acknowledge outstanding achievements or present awards to employees, groups, or other individuals. Pursuant to Section 2.03(B) of this manual, the Mayor is vested with the authority to initiate and execute proclamations.

*F. Public Hearings*

Public Hearings will be held after the required notice has been provided. Notices shall inform recipients of possible continuations of hearings. The City Council may upon affirmative vote of a majority of its members "continue" said hearing at a future date designated in the resolution. If the Council elects to continue the Public Hearing it will appear in the designated meeting agenda under the topic of "Public Hearings".

Individuals desiring to speak during a public hearing may do so in accordance with Section 8.13(C). Written comments are encouraged during the public hearings. When materials are presented during public hearings, they should be submitted to the City Clerk before the public hearing is closed on the item. Written documents submitted will be entered into the record but will not be read aloud.

After a public hearing is closed, no member of the public shall be permitted to address the Council or the staff. In fairness to members of the public, the City Council shall be considered to be in deliberations from that point forward. Continuance of the item shall place it on the "Pending Business" portion of any forthcoming agenda.

*G. Ordinances & Resolutions*

Ordinances, resolutions, and other matters or subjects requiring action by the Council must be introduced by a member of the Council, except that the City Manager, City Attorney, or department directors may present ordinances, resolutions, and other matters or subject to the Council, and any Council member may assume sponsorship thereof by moving that such ordinances, resolutions, matters, or subjects be adopted; otherwise, they shall not be considered.

All ordinances shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or the City Attorney's authorized representative, and shall have been first referred for review to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance would devolve, and shall further have been presented to the City Manager or authorized representative for review. The City Attorney shall review all ordinances.

Ordinance Passage

No ordinance shall contain more than one subject that shall be fully and clearly expressed in its title. Ordinances shall be presented to each member of the City Council and the City Manager in written form prior to any vote thereon; provided, however, that revisions and amendments may be made by voice at such meeting.

(i) Ordinances which meet the requirements of subsection (i) of this section may be passed by having only the title read aloud and without having the full ordinance read aloud unless a motion approved by a majority of the Council members present requests that the ordinance be read aloud in full.

*H. New Business*

Items or topics that are new to the Council shall be scheduled for consideration under this section of the agenda.

*I. Reports*

Members of the Council, the City Manager and the City Attorney may take this opportunity to make comments, extend compliments, express concerns, or make announcements concerning any topic they wish to share with the Council, staff, or the public as well as any Department Heads that are in attendance at the meeting as recognized by the Mayor.

*J. Closed Session*

The Council may enter closed session in accordance with Section 8.03 of this manual.

*K. Adjournment*

A Council member may propose to close the meeting entirely by moving to adjourn. The meeting will close upon the majority vote of the Council. A motion to adjourn will always be in order and decided without debate. Matters on the agenda and not acted upon at the time of adjournment will be placed on the agenda of the next regular or special meeting.

## 8.14 General Procedures

*A. Seating*

The Mayor shall be seated in the center of the dais, with the Mayor Pro Tem on their right and the three other Council members to the outside. The City Manager and City Clerk shall sit at the end of the dais.

*B. Signing of City Documents*

All contracts except otherwise provided by ordinance shall be authorized by the Council and shall be signed on behalf of the City by the Mayor and the Clerk.

*C. Wire Communications Between Council Members During Any Council Meeting*  
All communications are subject to the Michigan Open Meetings Act, therefore members of the City Council shall not engage in any form of wire communication, as defined by

U.S. Code Title 18, Part I, Chapter 119, Section 2510, during any meeting of the Council.

## 8.15 Record of Meetings

### A. *Clerk's Responsibility*

As the official record keeper for the City, the City Clerk shall be responsible for maintaining the official record (minutes) of each meeting of the Council. The Clerk shall maintain in the office of the Clerk, copies of the agenda, and each resolution, ordinance or other matter acted upon by the Council. The official minutes, however, may refer to those matters by an identifying number and title descriptive of the ordinance, resolution, or other matter.

### B. *Record of Minutes*

The Clerk or the Clerk's designee shall be responsible for transcribing a written record of the action taken on all items on the agenda. The minutes shall include the following:

1. The names of the members in attendance
2. The name of the movers and seconds
3. Details of specific motions made, and action taken, including each individual motion/action/approval adopted as part of the Consent Agenda
4. The results of all votes negative on voice votes including the names and the respective vote on roll call votes, as well as recusals and abstentions
5. The names of person representing reports
6. A notation of who made public comment and their subject
7. A listing of communications with the sender or author and subject identified

However, the Clerk shall not be responsible for maintaining a written record or summary written record of the discussion or comments of the Council members nor of comments made by members of the public. If an electronic tape recording of a meeting of the Council is made, such recording shall be maintained in the office of the Clerk until the meeting minutes have been approved. Thereafter, the recording may be erased, unless the recording shall be pertinent to any legal proceedings then underway, pending, or expected.

### D. *Public Access to Meeting Records*

The Clerk shall make available to members of the public the records and minutes of the Council meeting in accordance with the Freedom of Information Act. Minutes prepared by the Clerk, but not approved by the Council, shall be available for public inspection not more than eight (8) business days following the meeting. Minutes approved by the Council shall be available within five (5) business days of the meeting at which they were approved. The Clerk shall also promptly send copies to people who have subscribed and paid the fee as established by the City Council.

## Chapter 9. Parliamentary Procedure

By approval of the Council Protocol Manual, the City Council has adopted a modified version of Robert's Rules of Order. The abridged rules of order that will be entertained by the Eaton Rapids City Council.

### 9.01 Customs of Formality

The presentation and disposition of motions at a City Council meeting involves significant interaction between the presiding officer and the members of the Council. Therefore, members should understand the customs of formality that are followed by the presiding officer and members in conformance with parliamentary procedure.

### 9.02 Meeting Decorum and Order

The presiding officer shall preserve decorum and decide all questions of order, subject to appeal by the Council. During Council meetings, Council members shall preserve order and decorum and shall not delay or interrupt the proceedings or refuse to obey the orders of the chair or the rules of protocol.

Any Council Member may request the presiding officer to enforce the rules of protocol. Upon motion and majority vote, the presiding officer shall be required to do so. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous while addressing the Council shall be forthwith, by the presiding officer, barred from further audience before the Council.

The presiding officer may call to order any person who is being disorderly by speaking or otherwise disrupting the proceedings, by failing to be germane, by speaking longer than the allotted time, or by speaking vulgarities. Such person shall thereupon be seated until the presiding officer shall have determined whether the person is in order. If a person so engaged in presentation shall be called out of order, he or she shall not be permitted to continue to speak at the same meeting except on special leave by the Council. If the person shall continue to be disorderly and disrupt the meeting, the Mayor may recess to call law enforcement to have the person removed from the meeting. No person shall be removed from a public meeting except for an actual breach of the peace committed at the meeting.

### 9.03 Order of Discussion

The presiding officer should follow the prepared agenda as much as possible. However, for those occasions when deviations are necessary or convenient, the presiding officer will clearly announce that the Council has decided to rearrange the agenda. When changing the order of discussion, it must be done so as not to prevent or deny any member of the public the opportunity to listen to the discussion of any agenda item.

### 9.04 Questions to Staff

A Council member may, after recognition by the presiding officer, address questions to the City Manager or other staff members.

### 9.05 Interruptions

Once recognized, a Council member should not be interrupted while speaking, except to make a point of order or personal privilege. If a Council member is called to order while speaking, the individual shall cease speaking until the question order is determined. Upon being recognized by the presiding officer, members of the staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the presiding officer.

### 9.06 Discussion Limit

A Council member should not speak more than once on a particular subject until every other Council member has had the opportunity to speak. Council members are encouraged to discuss items during the decision-making process.

### 9.07 Basic Steps to Conducting Business

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

The Presiding Officer (chair):

1. Introduces the item to be considered as presented on the agenda
2. Calls for discussion

A member of the Council:

3. Addresses the chair
4. Is recognized by the chair
5. Proposes the motion

A second member of the Council:

6. Seconds the motion

The Presiding Officer (chair):

7. States the motion
8. Calls for any further discussion or debate
9. Restates the motion and puts the motion to a vote

The City Clerk:

10. Takes the vote

## 9.09 Making a Motion

Under parliamentary procedure, there are three steps required to bring a motion before the Council for its consideration:

1. A Council member makes a motion;
2. Another Council member seconds the motion; and
3. The chair states the motion.

Unless the motion can interrupt a speaker as explained in *Robert's Rules of Order*, a member must obtain the floor to make a motion. Once the chair has recognized a Council member, the individual makes the motion by saying, "I move that..." or "I move to..." and announcing what is proposed.

Council members should attempt as much as possible to state motions in the positive form---that is, "I move to..." rather than "I move not to..." Motions where one must vote "yes" to vote against a proposal are confusing not only for Council members, but also for staff and citizens.

If a proposal has only minimal support, a Council member might state "I make this motion to put it on the floor for discussion. I am not sure of my position on it at the present time."

## 9.10 Seconding a Motion

After a motion has been made, and if it requires a second, another Council member who wishes to see the motion considered says, without obtaining the floor, "I second the motion," or simply, "Second." A second merely implies that the member agrees the

motion should come before the meeting, not necessarily that the member favors it. If another member of the Council does not second the motion, the chair normally asks, “Is there a second to the motion?” If there is no second, the chair should say, “Since there is no second, the motion is not before this meeting.” If seconded, the maker of the motion should then be regarded as having the refusal of the floor in preference to all other members.

The purpose of a second is to prevent time being spent on motions that only one person wants to discuss. After the Council makes a motion, no person shall address the Council without first securing the permission of the presiding officer or Council to do so.

## 9.11 Stating the Question

Under parliamentary procedure, making and seconding a motion does not put it before the Council for consideration. This can be done only by the chair when the presiding officer repeats the motion and indicates that the motion is open for debate by stating: “It has been moved and seconded that ... Is there any discussion?”

### A. *Right to Withdraw or Modify a Motion*

Until the chair has stated the question, the maker has the right to modify or withdraw the motion. After the motion has been stated, however, it can be withdrawn with the Council’s consent. If any objection is made, it will be necessary to obtain leave to withdraw by a motion for that purpose. When a motion is withdrawn, the effect is the same as if it had never been made.

### B. *Pending Motions*

When the chair has stated a motion, it is said to be *pending*. When several motions are pending, the last one stated by the chair, and the first to be disposed of, is called the *immediately pending* question. Thereafter, other pending motions are considered in descending order of rank.

## 9.12 Amendment of the Main Motion

When the main motion does not exactly suit the members of the Council, it may be changed by means of amendment *before* it is finally voted upon. Once recognized by the chair, a Council member may make the motion to amend by stating, “I move to amend the motion by...” ---adding, striking out, inserting, or substituting. An amendment to the main motion requires a second; it is debatable, requires a majority vote, and must be germane – that is, closely related to or having bearing on the subject of the motion to be amended.

If the motion on the amendment passes, the chair puts the main motion, as amended, to a vote. If the motion on the amendment fails, the chair puts the main motion, as originally presented, to a vote.

The member, who offers the motion, until it has been stated by the chair, can modify the motion, or withdraw it entirely; after it is stated, he/she can do neither without the consent of the body (majority). For example, the mover may state, "With the consent of the body I will modify my motion to state as follows..." If no one objects, it shall be deemed that he/she has the consent of the body to modify his/her motion. When the mover modifies his/her motion, the one who seconds it can withdraw his/her second.

A *friendly amendment* may be made, which clarifies the intent of the maker of the motion and is accepted by the maker of, and second to, the motion without requiring a vote by the Council on the amendment.

### 9.13 Postponement of Business

#### A. *Postpone to a Time Certain*

The council may delay action on a pending question by making a motion to postpone or the item either indefinitely or to a time certain. This motion can be made regardless of how much debate has taken place. The question may be postponed either so that it may be considered at a more convenient time or because debate has shown reasons for delaying a decision.

#### B. *Postpone Indefinitely*

The council may decline to take a position on a pending question by moving to postpone the item indefinitely. Voting to postpone indefinitely kills the main motion and avoids a direct vote on the question. This motion is useful for disposing of a badly expressed main motion that cannot be either adopted or expressly rejected without possibly undesirable consequences.

#### C. *Table*

Commonly misused in place of a motion to postpone, Council may lay the pending question aside temporarily when some other issue of immediate urgency has arisen. *Lay on the Table* is out of order if the evident intent is to kill or avoid dealing with an item. This motion requires a majority vote and halts consideration of a question immediately and without debate. After a question has been laid on the table, it can be taken from the table by a majority vote as soon as the interrupting business is disposed of and when no other question is pending.

### 9.14 Debate

The term "debate" applies to the discussion of the merits of any pending question during a Council meeting. All main motions and certain other motions are entitled to debate.

Any member of the City Council may move to close debate by saying, "I move that debate on the motion be closed," or "I move the previous question." However, Council

members should refrain from using the term, “call the question,” as a means to end debate. The audience better understands, “Move that debate on the motion be closed,” rather than “calling the question.” The motion must be seconded. The presiding officer immediately requests a vote, to which a two-thirds vote is required to close debate.

A motion to close debate can neither be debated nor amended. The motion to close debate affects the immediately pending question, whether it is an amendment or the main motion. Should the motion fail, debate is reopened. If the motion passes, then the Council shall vote on the motion for which debate was closed.

The presiding officer cannot close debate if any member who has not exhausted the right to speak desires the floor.

While debate on a main motion is under way, amendments, and subsidiary, privileged and incidental motions may be introduced (if they are in order), debated (if debatable) and disposed of.

In addition to the customs of formality discussed in Section 9.01, observance of the following practices will make debate smooth and orderly. Members of the Council should:

- Confine their comments to the merits of the pending question; and
- Speakers should yield the floor to the chair whenever the chair interrupts to give a ruling or information, or to otherwise speak

## 9.15 Voting Procedures

Whenever the presiding officer puts a question to the members, every member present shall vote on all questions decided by the City Council. No member present shall abstain from voting “yes” or “no,” unless excused upon the consent of the two-thirds (2/3) of the members present.

## 9.16 Right of Protest

A Council member is never required to state reasons for a dissenting vote; provided, however, that any member of the City Council shall have the right to have the reasons for his or her dissent from, or protest against, any action of the Council entered on the minutes.

## 9.17 General Rules of Procedure

### A. *Standing to Question Procedures*

These rules shall govern the parliamentary procedures of the members and by the members only. Procedures may be questioned only by members of the body, and then only in accordance with these rules. The decision of the presiding officer will be final and conclusive as to all, subject only to a motion by a member of the body, duly and timely made, in which case the ruling of the body shall be final and conclusive. Nothing in these rules will be construed to prevent the chairman or a member from requesting aid in the interpretation of these rules or other matters from the City staff or officials.

### B. *Precedence*

Motions having precedence over those that may be made while another motion is pending.

### C. *To Yield*

Motions yield when they are pending, and another matter can be considered while the yielding motion still pends.

### D. *Applied*

Where a motion can have no subordinate motion applied to it, the fact is stated. For example, the motion to continue may not be applied to the motion to lay on the table.

### E. *Debate*

Debate shall not take place until the presiding officer has stated the question. Debate shall be limited to the immediately pending question, except that the main question is also open when the following motions are pending postpone indefinitely or reconsider a debatable question.

### F. *Putting the Question*

When the debate appears to have closed, the presiding officer will ask, "Are you ready for the question?" If no one asks for the floor, the presiding officer shall put the question to a vote, making it clear what the question is.

### G. *Majority*

A majority of those present shall constitute a majority of the body assuming a quorum is present. The presiding officer has the tie-breaking vote and may second a motion.

## 9.18 Specific Rules of Procedure

The following motions are permissible in considering any matter on the agenda, and unless otherwise specified, shall rank in precedence and application as set forth below:

### A. *Undebatable Motions*

1. Question of Order and Appeal.

A question of order takes precedence over the question giving rise to it, may be put when another member has the floor, needs no second, and must be decided by the chair without debate. If a member object he may appeal, which if seconded, will immediately be put to the body. An appeal is waived if not made immediately. On appeal, the decision of the presiding officer is sustained on a tie vote.

2. Suspension of Rules.

This motion may not be amended, nor another motion be applied to it, nor a vote on it reconsidered. Rules of the body may not be suspended except for a definite and specific purpose and by a vote of one more than a majority present. Nothing else may be done under the suspension. It may not be renewed at the same meeting if once defeated. It shall be to change the order of the agenda. No rule can be suspended when the negative vote is as large as the minority protected by that rule.

3. To Lay on the Table

This motion may not be used for the purpose of continuance of a matter that has been specially called for public hearing, which is done by a motion to continue. It may not be amended, nor an affirmative vote on it be reconsidered.

If carried, the subject tabled may not be considered again until the body votes to take it from the table, which motion is also undebatable.

The object of the motion is to postpone the subject in such a manner that it can be taken up at any time, either at the same or some future meeting. It may be used to suppress a question for that meeting, but not for a matter for which a public meeting has been specially set. The effect of the motion is to place on the table everything that adheres to the subject, so that if an amendment were ordered to lie on the table, the subject whom it is proposed to amend is also tabled. However, it may be limited to the particular pending matter and if so, adopted the remaining matters shall still be before the body.

4. The Previous Question

This motion is not amendable and applies to any debatable question but is not debatable itself. It requires the vote of one more than a majority of the members present for its adoption. When called and seconded, the presiding officer shall immediately put the question. If the motion fails to carry by a majority plus one of the members present, the debate will continue as if the motion had not been made. If adopted, the presiding officer shall immediately bring the body to vote upon the pending question.

If applied to an amendment to a pending question, it brings to a vote not only the motion to amend, but also the question to be amended. However, the motion for

the previous question may be limited to the pending amendment and, if adopted, debate will be closed only to the motion to amend.

It shall be proper for a member to submit a motion and, at the same time, move the previous question thereon and thus cut off debate on the motion. In this case, the presiding officer shall first put the motion for previous question to vote.

**B. *Debatable Motions***

**1. Continue to a Certain Day**

This motion yields to all undebatable motions, and takes precedence of all other debatable motions, except that it may be amended by altering the time, and the previous question can be applied to it without affecting any other motions pending.

**2. To Commit or Refer**

This motion is to commit or refer a matter to a committee. It can be amended by altering the committee or giving the committee instructions. The debate on the motion opens the debate on the main question it is proposed to commit.

**3. To Amend**

This motion takes precedence over nothing but the question that it is proposed to amend and yields to all questions except to postpone indefinitely. It can be applied to all but undebatable questions, an amendment of an amendment, to postpone indefinitely, or to reconsider. It can be amended itself, but an amendment of an amendment cannot be amended.

An amendment may be inconsistent with the one already adopted or may be directly in conflict with the spirit of the original motion, but it must have a direct bearing upon the subject of that motion. A motion to amend by inserting new words once past may not be the subject matter of a new amendment to change the same words. The proper motion is the motion to reconsider the vote by which the words were inserted.

A motion to amend may be made to “divide the question” into two or more questions as the mover specifies, to get a separate vote on any particular point or points.

**4. To Postpone Indefinitely**

This motion takes precedence of nothing except the question to which it is applied and yields to all motions except to amend. It cannot be amended and opens to debate the entire question which it is proposed to postpone.

Its effect is to entirely remove the question from the body for that session. The previous question, if ordered when this motion is pending, applies only to it without affecting the main question.

It cannot be applied to a matter that has been specifically set for public hearing. A negative vote on it cannot be reconsidered.

5. Principal Question

The main or principal question is a motion to bring before the body for its consideration any particular subject. No principal motion can be made when any other motion is before the body. It takes precedence over nothing and yields to all.

C. *Miscellaneous Motions*

1. To Rescind

This motion cannot be made for a matter that has been voted upon for which a matter has been specifically called for public hearing. However, for other matters to which it is appropriately addressed, such as where it is too late to reconsider the vote, the motion is the course to pursue to rescind an objectionable policy, order, or motion; it is debatable.

2. To Reconsider

This motion is not in order after the body has voted upon the principal question which is the subject matter of a specially called public hearing, unless made immediately after thereon and before the Council has moved to the next item of business. It is otherwise in order at any time, even when another member has the floor, but not after the Council has adjourned the meeting. Nothing herein shall be construed as preventing the Council from considering the same item at a subsequent meeting as a new item of business.

A member who voted with the prevailing side must make the motion. It can be applied to the vote of every other question, except as noted above, and except to suspend the rules and an affirmative vote to lay on the table or to take from the table.

The motion may not be amended. Whether or not it is debatable depends upon whether the question to be reconsidered is debatable or undebatable. It may be laid on the table, in which case, the reconsider, like any other question, can be taken from the table.

3. Roll Call

Any member may demand a roll call vote any time before or after any question is put. The demand needs no second and the presiding officer must ask for a roll call vote on demand. It is not debatable and may be applied to any question. It is waived if after the vote it is not immediately made and prior to the next matter being considered.

## 9.19 Suggested Forms

### A. *Undebatable Motions*

#### 1. Question of order

Member: "I raise a point of order." Supervisor: "State your point of order."

Member: States his/her point of order

Supervisor: Ruling by the chair, which may give reasons. Member: "I appeal from the decision of the chair."

Supervisor: (If seconded) "Shall the decision of the chair stand as the decision of the body?"

#### 2. Suspension of rules (majority plus one)

Member: "I move to suspend the rules requiring..."

#### 3. To lay on the table (majority plus one)

Member: "I move to lay the question (stating it) on the table." Supervisor: (If seconded) "Shall the main question be now put?" Member: "I call for the previous question on the amendment."

Supervisor: (If seconded) "Shall the question be now put on the amendment?"

### B. *Debatable Motions*

#### 1. Continue to a certain day (majority)

Member: "I move to continue the question of (stating it) to the next regular (or recessed) meeting of (date)."

#### 2. To commit or refer (majority)

Member: "I move to refer the subject to a committee."

#### 3. To amend (majority)

Member: "I move to amend the motion to 'add', or 'insert', to 'strike', to 'strike out XYZ and insert ABC', to 'divide the question' (into two or more questions), etc."

#### 4. To postpone indefinitely (majority)

Member: "I move to postpone the question indefinitely."

#### 5. Principal question (majority) Member: "I move that..."

### C. *Miscellaneous Motions*

#### 1. To rescind (majority)

Member: "I move to rescind that motion, policy, etc."

#### 2. To reconsider (majority)

Member: "Having voted on the prevailing side, I move that we reconsider the vote on the motion to (stating it) and have such motion entered on the record."

3. Roll call (any Member)

Member: "I demand a roll call vote." No second needed. Supervisor: "The Clerk will please call the roll."

## 9.20 Other Protocol

Other guidelines are also in place to ensure meetings of the Council emphasize the importance of the business being conducted in a professional manner. Council members and staff shall:

- Work to preserve appropriate order and decorum during all meetings.
- Address Council members by their title, followed by last name, such as "Councilman Jones," and staff by staff members' last name.
- Discourage side conversations, disruptions, interruptions or delaying efforts.
- Inform the presiding officer when departing from a meeting.
- Limit disruptive behavior. The City Council discourages applause, booing or other similar behaviors from the public during meetings.
- Recognize that only the City Council, staff, advisory body chairs or designated representatives, and those authorized by the presiding officer shall be permitted to sit at the Council or staff stations.

### A. *Values of Respect*

The City Council recognizes the importance of approaching the public's business in an environment of personal respect that places emphasis on the consideration of policy and avoids personalization of comments. Some general guidelines utilized by the City Council include:

- Discussion should focus on policy matters.
- Personal criticism of members is inappropriate.
- Proper decorum should be displayed as other members express their views.

## 9.21 Parliamentarian

The Clerk, or in the absence of the Clerk, the presiding officer, shall serve as parliamentarian for the City Council and as such shall decide all questions of parliamentary procedure in accordance with the parliamentary rules contained in *Robert's Rules of Order*. Before deciding any question of parliamentary procedure, the presiding officer may request advice from the City Attorney or City Manager or designee. In cases where serious errors in procedure are being used or being contemplated, the City Attorney or City Manager should give advice even when it has not been requested.

# Chapter 10. Protocol Administration

## 10.01 Biennial Review

The City Council will review and revise the City Council Policies and Procedures Manual as needed, or every two years.

## 10.02 Adherence to Protocol

- A. Each Council member shall have the duty and obligation to review this Manual and be familiar with its provisions.
- B. During City Council discussions, deliberations, and proceedings, the Mayor will be primarily responsible for ensuring that the City Council, staff, and members of the public adhere to the Council's adopted Manual.
- C. Knowing and/or willful failure to adhere to the provisions of this Manual may subject a Council member to enforcement and sanctions as follows:
  - (1) Upon determining that there is credible evidence that a Council member has, or may have, engaged in knowing and/or willful action or omission that constitutes failure to adhere to the provisions of this Manual, the Mayor or any three Council members, may call upon the Council to determine whether such knowing and/or willful action or omission has occurred, and the sanctions, if any, to be imposed.
  - (2) Prior to conducting any hearing on an alleged failure to adhere to the provisions of this Manual, the Mayor or any three Council members shall provide written notice to the Council member alleged to have engaged in such failure to adhere at least ten (10) calendar days prior to calling for such hearing. The written notice shall identify the specific provisions of this Protocol Manual with which the Council member is alleged to have failed to adhere and the facts supporting such allegation.
  - (3) Upon a call by the Mayor or any three Council members, a majority of a quorum of the Council shall vote on whether to hold a hearing to determine the existence of an act or omission constituting a failure to adhere and the sanctions, if any, to be imposed. If such hearing is approved by the Council, the hearing shall be held at a time and place specified in the motion approving such hearing.

- (4) At such hearing, the Council shall determine whether there is a preponderance of credible and substantial evidence indicating that a Council member has knowingly and/or willfully acted or failed to act in a manner constituting a failure to adhere to the provisions of this Protocol Manual. The Council member alleged to have failed to adhere to the provisions of this Protocol Manual shall have the right to present evidence and testimony. The finding of the existence of such knowing and/or willful failure to adhere shall be determined by motion approved by a majority of the Council plus one.
- (5) Upon finding that a knowing and/or willful failure to adhere to the provisions of this Protocol Manual has occurred, the Council shall proceed to determine whether the sanctions, if any, should be imposed. Appropriate sanctions may include, but are not limited to, the following:
  - (i) public censure
  - (ii) removal of appointment to extra-territorial boards, committees, or commissions;
  - (iii) removal of appointment to Council boards or committees; and
  - (iv) removal of privileges provided by policy

### 10.03 City Manager and City Attorney as Protocol Advisors

The City Manager and City Attorney shall assist the Mayor and Council and serve as advisors for interpreting the City Council's adopted Protocol Manual.

### 10.04 Adherence to Non-Interference Policy

The City Council delegates to the City Manager the responsibility to discuss with any Council member, on behalf of the full Council, any perceived or inappropriate interference or encroachment of administrative services. The City Manager will discuss with the Council member the action and suggest a more appropriate process or procedure to follow. After this discussion, if inappropriate action continues, the City Manager will report the concern to the full Council.



MEETING DATE: 2/26/2024

CITY MANAGER

To: Mayor and City Council  Work Session  
From: Yvonne Ridge, City Manager & Rob Pierce, Public Works/Utilities Director  Regular Meeting  
Submitted: 2/20/2024  
Subject: Eaton County Parks Community Grant – Contract for Construction of Pavilion

### SUMMARY

The City applied for the Eaton County Parks Grant in July of 2022. The City received \$39,200 in grant dollars to construct a Pavilion at Mill Pointe Park and install picnic tables, grills, lighting, and a trash receptacle. Director Pierce has received approval from the Planning Commission to work with Building Inspector Hummel to again the necessary EGLE permits.

The following quotes were received for the Pavilion part of the grant.

Vendor Quote	Location	Amount
Visionary Builders	Eaton Rapids, MI	\$ 26,718.00
Wiltse Construction	Adrian, MI	\$ 28,965.00
Morton Building, Inc.	Morton, IL	\$ 40,657.00

### STAFF RECOMMENDATION/MOTION

Visionary Builders is the low bid as well as the vendor we worked with to get the required information to apply for the grant in July. The Recommendation is to award the project to Visionary Builders.

### LIST OF SUPPORTING DOCUMENTS

Visionary Builders Contract



<b>Proposal Submitted to:</b>	
<b>Customer Name Full Name</b> City of Eaton Rapids	<b>Date</b> 07/25/2023
<b>Job Address</b> 301 Market Street, Eaton Rapids, Michigan, 48827	
<b>Phone</b> (517) 749-2917	<b>Email</b> Rpierce@Cityofeatonrapids.com

*Thank you for the opportunity to bid your home project. Below are the conditions and specifications for your project.*

**Scope of Work- Construct a new 20'x32' pavilion.**

**Prior work- (to be prepared by homeowner)**

1. To choose colors and confirm material selections on contract.
2. To provide deposit check (personal/cashier is fine).
3. To sign contract and agree to terms below.

**Prior work- (to be completed by contractor)**

1. To pull all required building permits. Including site plans, pavilion layout, zoning, health department, driveway permits, soil erosion and MISSdig.
2. To order materials and have them in-stock before project commences.

**Timing of project-** Work to commence in October, November no penalties or cancelations for not meeting these requirements. Weather, material, and labor dependent.

**Prep work-**

1. Suppliers to place materials on site for ease of the contractor and homeowner to work around.
2. Scrape grass and topsoil for pavilion pad. Drill holes 18" wide, 48" down for lam beams.
3. Install 3 Bags of 80lb concrete per hole for footing.

**Framing-**

1. Furnish and install lumber package which has been appropriately sized per building code.  
-Trusses: 20' wide, 4/12 pitch, 1' overhang trusses 4' o/c. Gable end to have 1' overhang as well.
2. Install purlins on the bottom side of the truss for installation of the ceiling.
3. 3 ply lam beams to be used to support the building. Cross bracing and wind bracing to be used.

**Concrete-**

1. Furnish & install concrete under the pavilion.  
-Pad inside barn: Smooth finish, sealed/not sealed.

**Steel-**

1. Furnish and install new 28-gauge ag panel steel on the roof with new liner panel on the inside of the barn.
2. Drip panels to be used on ceiling to mitigate condensation.

**Gutters-**

1. Furnish and install 5" gutters and downs.

**Touch-ups and finalization-**

1. Contractor to clean-up and haul away all job-related materials.
2. Complete walk around with Customer to ensure job is completed to their satisfaction.

3. Collect final payment.

**Material & Color Selections-**

This instrument contains the entire agreement between the contractor & owner and no terms or understanding have been upon or understood except as described above or on subsequent signed change order form. Contractor shall not be responsible for delay due to cause beyond their reasonable control, or for leakage of previously installed eavestrough, or for electrical or plumbing adjustments needed to facilitate the work unless specified above. Contractor will not be held liable for damage caused by any third-party equipment (I.E., concrete trucks, material delivery trucks etc.) Contractor will clean up job site upon completion and haul away job related trash. Contractor will haul away old building materials related with the current project unless otherwise specified above. All surplus material is the property of the contractor. Product rebates are property of the contractor unless otherwise stated in this contract. All labor performed by Visionary Builders is guaranteed to be free from original defects for as long as the owner, named above, continues to own the property. Contractor retains the right to photograph/take videos of the homeowners' property pertaining to the work being done and publish marketing content and media with said photography/videos.

In consideration of the said work to be done by the contractor, the homeowner agrees to pay the contractor the specified amounts below. If payment method is debit or credit, there will be an additional charge of 3.5% to the project total. If the final payment is not paid with in the 48 hours of the job completion, homeowner accrue additional charges of 1.5% per month on open balances after completion until final payment is fulfilled. If homeowner does not fulfill payment obligations, all actual legal, expert, and professional fees accrued to collect payment will be the responsibility of the homeowner. Homeowner understands Michigan law allows contractors who make an improvement to real property to record a construction lien against the owner of the property to secure repayment.

<b>Good Through Date</b> 8-25-2023	<b>Project Total</b> \$26,718.00
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***\_\_\_\_\_ % is due prior to beginning your project. Contractor draws for progress completion throughout project with the remaining balance is due within 48 hours of job completion.***

<b>Signature</b>
Signature Date

Customer

Authorized Signer

Authorized Signer



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MEETING DATE: 2/26/2024

CITY MANAGER

To: Mayor and City Council

Work Session

From: Yvonne Ridge, City Manager

Regular Meeting

Submitted: 2/20/2024

Subject: Uniform Video Service Local Franchise Agreement between City of Eaton Rapids and DIRECTTV, LLC

### **SUMMARY**

It is time to renew the Video Franchise Agreement regarding U-verse TV. DIRECTV, LLC. The prior agreement was transferred from AT&T Michigan to DIRECTV, LLC back in 2021.

The Initial Agreement provided a video service provider fee of 3% and a PEG Fee of 0%. The same fees are included in the Renewed Agreement. The agreement has been reviewed by Attorney Harkness and has a ten (10) year term from the date issued.

The estimated annual revenue from this agreement is approximately \$1,400 annually.

### **STAFF RECOMMENDATION/MOTION**

Motion to approve the Uniform Video Service Local Franchise Agreement between City of Eaton Rapids and DIRECTV, LLC.

### **LIST OF SUPPORTING DOCUMENTS**

Uniform Video Service Local Franchise Agreement/DIRECTV, LLC

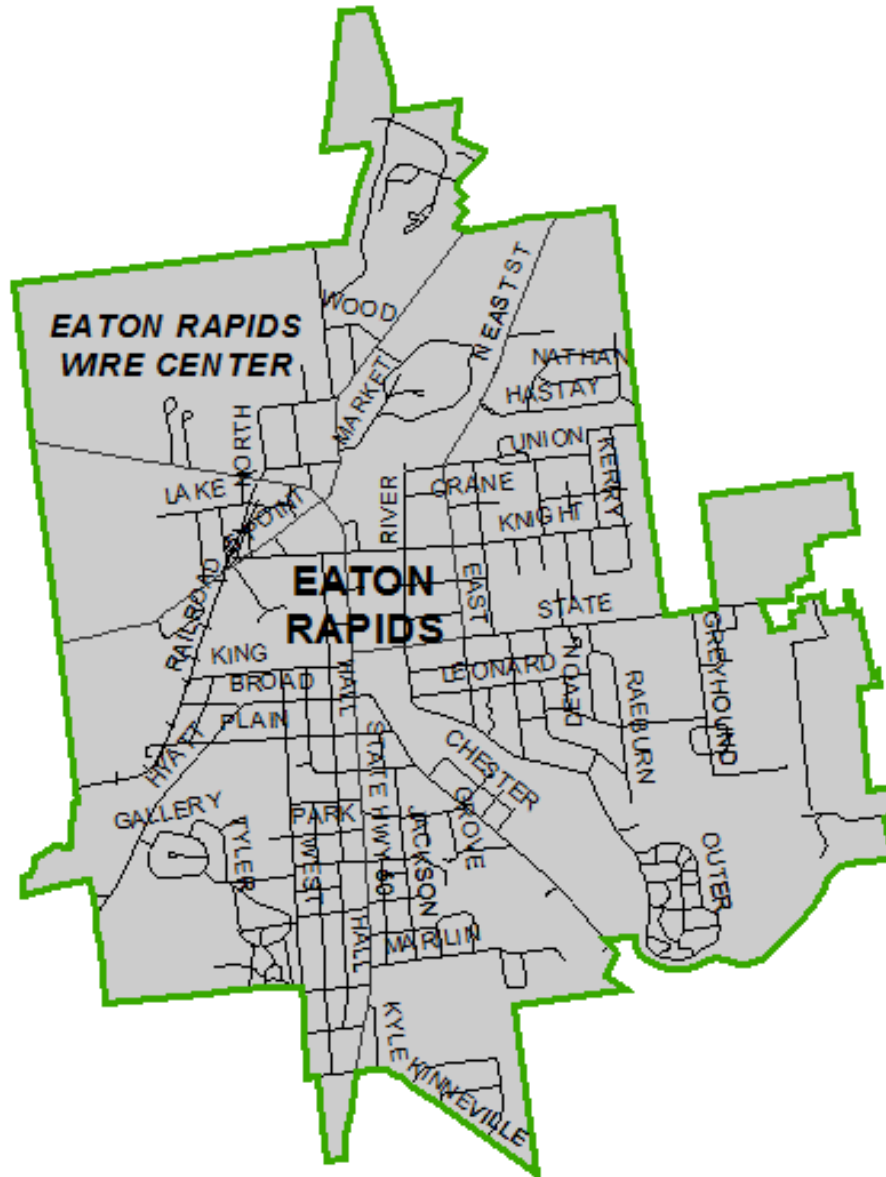
# **ATTACHMENT A**

## **Cover + 1 Page**

# Eaton Rapids, Michigan

Description of DIRECTV, LLC Video Service Area Footprint:  
The Entire City of Eaton Rapids

ATTACHMENT A TO ATTACHMENT 1 OF THE  
VIDEO SERVICES FRANCHISE AGREEMENT  
BETWEEN THE CITY OF EATON RAPIDS AND  
DIRECTV, LLC



## Legend

- Roads
- +— Railroads
- ▭ Municipal Boundary Lines
- ▭ AT&T Michigan Wire Center Bounds

**Note:** The street names of certain municipal boundary lines may not appear.

# UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT

THIS UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT (“Agreement”) is made, pursuant to 2006 PA 480, MCL 484.3301 *et seq.*, (the “Act”) by and between the City of Eaton Rapids, a Michigan municipal corporation (the “Franchising Entity”), and DIRECTV, LLC, a California corporation doing business as DIRECTV, LLC.

## **I. Definitions**

For purposes of this Agreement, the following terms shall have the following meanings as defined in the Act:

- A. “Cable Operator” means that terms as defined in 47 USC 522(5).
- B. “Cable Service” means that terms as defined in 47 USC 522(6).
- C. “Cable System” means that term as defined in 47 USC 522(7).
- D. “Commission” means the Michigan Public Service Commission.
- E. “Franchising Entity” means the local unit of government in which a provider offers video services through a franchise.
- F. “FCC” means the Federal Communications Commission.
- G. “Gross Revenue” means that term as described in Section 6(4) of the Act and in Section VI(D) of the Agreement.
- H. “Household” means a house, an apartment, a mobile home, or any other structure or part of a structure intended for residential occupancy as separate living quarters.
- I. “Incumbent video provider” means a cable operator serving cable subscribers or a telecommunication provider providing video services through the provider’s existing telephone exchange boundaries in a particular franchise area within a local unit of government on the effective date of this act.
- J. “IPTV” means internet protocol television.
- K. “Local unit of government” means a city, village, or township.
- L. “Low-income household” means a household with an average annual household income of less than \$35,000.00 as determined by the most recent decennial census.
- M. “METRO Act” means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48, MCL 484.3101 *et seq.*
- N. “Open video system” or “OVS” means that term as defined in 47 USC 573.
- O. “Person” means an individual, corporation, association, partnership, governmental entity, or any other legal entity.
- P. “Public rights-of-way” means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easements dedicated for compatible uses.
- Q. “Term” means the period of time provided for in Section V of this Agreement.
- R. “Uniform video service local franchise agreement” or “franchise agreement” means the franchise agreement required under the Act to be the operating agreement between each franchising entity and video provider in this state.
- S. “Video programming” means that term as defined in 47 USC 522(20).
- T. “Video service” means video programming, cable services, IPTV, or OVS provided through facilities located at least in part in the public rights-of-way without regard to delivery technology, including internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 USC 332(d) or provided solely as part of, and via, a service that enables users to access content, information, electronic mail, or other services offered over the public internet.
- U. “Video service provider” or “Provider” means a person authorized under the Act to provide video service.
- V. “Video service provider fee” means the amount paid by a video service provider or incumbent video provider under Section 6 of the Act and Section VI of this Agreement.

## II. Requirements of the Provider

- A. An unfranchised Provider will not provide video services in any local unit of government without first obtaining a uniform video service local franchise agreement as provided under **Section 3 of the Act** (except as otherwise provided by the Act).
- B. The Provider shall file in a timely manner with the Federal Communications Commission all forms required by that agency in advance of offering video service in Michigan.
- C. The Provider agrees to comply with all valid and enforceable federal and state statutes and regulations.
- D. The Provider agrees to comply with all valid and enforceable local regulations regarding the use and occupation of public rights-of-way in the delivery of the video service, including the police powers of the Franchising Entity.
- E. The Provider shall comply with all Federal Communications Commission requirements involving the distribution and notification of federal, state, and local emergency messages over the emergency alert system applicable to cable operators.
- F. The Provider shall comply with the public, education, and government programming requirements of Section 4 of the Act.
- G. The Provider shall comply with all customer service rules of the Federal Communications Commission under 47 CFR 76.309 (c) applicable to cable operators and applicable provisions of the Michigan Consumer Protection Act, 1976 PA 331, MCL 445.901 to 445.922.
  - i. Including but not limited to: MCL 445.902; MCL 445.903 (1)(a) through 445.903(1)(cc); MCL 445.903(1)(ff) through (jj); MCL 445.903(2); MCL 445.905; MCL 445.906; MCL 445.907; MCL 445.908; MCL 445.910; MCL 445.911; MCL 445.914; MCL 445.915; MCL 445.916; MCL 445.918.
- H. The Provider agrees to comply with in-home wiring and consumer premises wiring rules of the Federal Communications Commission applicable to cable operators.
- I. The Provider shall comply with the Consumer Privacy Requirements of 47 USC 551 applicable to cable operators.
- J. If the Provider is an incumbent video provider, it shall comply with the terms which provide insurance for right-of-way related activities that are contained in its last cable franchise or consent agreement from the Franchising Entity entered before the effective date of the Act.
- K. The Provider agrees that before offering video services within the boundaries of a local unit of government, the video Provider shall enter into a Franchise Agreement with the local unit of government as required by the Act.
- L. The Provider understands that as the effective date of the Act, no existing Franchise Agreement with a Franchising Entity shall be renewed or extended upon the expiration date of the Agreement.
- M. The Provider provides an exact description of the video service area footprint to be served, pursuant to **Section 2(3)(e) of the Act**. If the Provider is not an incumbent video Provider, the date on which the Provider expects to provide video services in the area identified under **Section 2(3)(e) of the Act** must be noted. The Provider will provide this information in Attachment 1 - Uniform Video Service Local Franchise Agreement.
- N. The Provider is required to pay the Provider fees pursuant to **Section 6 of the Act**.

## III. Provider Providing Access

- A. The Provider shall not deny access to service to any group of potential residential subscribers because of the race or income of the residents in the local area in which the group resides.
- B. It is a defense to an alleged violation of Paragraph A if the Provider has met either of the following conditions:
  - i. Within 3 years of the date it began providing video service under the Act and the Agreement; at least 25% of households with access to the Provider's video service are low-income households.
  - ii. Within 5 years of the date it began providing video service under the Act and Agreement and from that point forward, at least 30% of the households with access to the Provider's video service are low-income households.
- C. **[If the Provider is using telecommunication facilities]** to provide video services and has more than 1,000,000 telecommunication access lines in Michigan, the Provider shall provide access to its video service to a number of households equal to at least 25% of the households in the provider's telecommunication

service area in Michigan within 3 years of the date it began providing video service under the Act and Agreement and to a number not less than 50% of these households within 6 years. **The video service Provider is not required to meet the 50% requirement in this paragraph until 2 years after at least 30% of the households with access to the Provider's video service subscribe to the service for 6 consecutive months.**

- D. The Provider may apply to the Franchising Entity, and in the case of paragraph C, the Commission, for a waiver of or for an extension of time to meet the requirements of this section if 1 or more of the following apply:
- i. The inability to obtain access to public and private rights-of-way under reasonable terms and conditions.
  - ii. Developments or buildings not being subject to competition because of existing exclusive service arrangements.
  - iii. Developments or buildings being inaccessible using reasonable technical solutions under commercial reasonable terms and conditions.
  - iv. Natural disasters
  - v. Factors beyond the control of the Provider
- E. The Franchising Entity or Commission may grant the waiver or extension only if the Provider has made substantial and continuous effort to meet the requirements of this section. If an extension is granted, the Franchising Entity or Commission shall establish a new compliance deadline. If a waiver is granted, the Franchising Entity or Commission shall specify the requirement or requirements waived.
- F. The Provider shall file an annual report with the Franchising Entity and the Commission regarding the progress that has been made toward compliance with paragraphs B and C.
- G. Except for satellite service, the provider may satisfy the requirements of this paragraph and Section 9 of the Act through the use of alternative technology that offers service, functionality, and content, which is demonstrably similar to that provided through the provider's video service system and may include a technology that does not require the use of any public right-of-way. The technology utilized to comply with the requirements of this section shall include local public, education, and government channels and messages over the emergency alert system as required under Paragraph II(E) of this Agreement.

#### **IV. Responsibility of the Franchising Entity**

- A. The Franchising Entity hereby grants authority to the Provider to provide Video Service in the Video Service area footprint, as described in this Agreement and Attachments, as well as the Act.
- B. The Franchising Entity hereby grants authority to the Provider to use and occupy the Public Rights-of-way in the delivery of Video Service, subject to the laws of the state of Michigan and the police powers of the Franchising Entity.
- C. The Franchising Entity shall notify the Provider as to whether the submitted Franchise Agreement is complete as required by the Act within 15 business days after the date that the Franchise Agreement is filed. If the Franchise Agreement is not complete, the Franchising Entity shall state in its notice the reasons the Franchise Agreement is incomplete. The Franchising Entity cannot declare an application to be incomplete because it may dispute whether or not the applicant has properly classified certain material as "confidential."
- D. The Franchising Entity shall have 30 days after the submission date of a complete Franchise Agreement to approve the agreement. If the Franchising Entity does not notify the Provider regarding the completeness of the Franchise Agreement or approve the Franchise Agreement within the time periods required under **Section 3(3) of the Act**, the Franchise Agreement shall be considered complete and the Franchise Agreement approved.
- i. If time has expired for the Franchising Entity to notify the Provider, The Provider shall send (via mail: certified or registered, or by fax) notice to the Franchising Entity and the Commission, using Attachment 3 of this Agreement.
- E. The Franchising Entity shall allow a Provider to install, construct, and maintain a video service or communications network within a public right-of-way and shall provide the provider with open, comparable, nondiscriminatory, and competitively neutral access to the public right-of-way.
- F. The Franchising Entity may not discriminate against a video service provider to provide video service for any of the following:
- i. The authorization or placement of a video service or communications network in public right-of-way.
  - ii. Access to a building owned by a governmental entity.
  - iii. A municipal utility pole attachment.
- G. The Franchising Entity may impose on a Provider a permit fee only to the extent it imposes such a fee on incumbent video providers, and any fee shall not exceed the actual, direct costs incurred by the Franchising Entity for issuing the relevant permit. A fee under this section shall not be levied if the Provider already has

paid a permit fee of any kind in connection with the same activity that would otherwise be covered by the permit fee under this section or is otherwise authorized by law or contract to place the facilities used by the Provider in the public right-of-way or for general revenue purposes.

- H. The Franchising Entity shall not require the provider to obtain any other franchise, assess any other fee or charge, or impose any other franchise requirement than is allowed under the Act and this Agreement. For purposes of this Agreement, a franchise requirement includes but is not limited to, a provision regulating rates charged by video service providers, requiring the video service providers to satisfy any build-out requirements, or a requirement for the deployment of any facilities or equipment.
- I. Notwithstanding any other provision of the Act, the Provider shall not be required to comply with, and the Franchising Entity may not impose or enforce, any mandatory build-out or deployment provisions, schedules, or requirements except as required by **Section 9 of the Act**.
- J. The Franchising Entity is subject to the penalties provided for under Section 14 of the Act.

## V. Term

- A. This Franchise Agreement shall be for a period of 10 years from the date it is issued. The date it is issued shall be calculated either by (a) the date the Franchising Entity approved the Agreement, provided it did so within 30 days after the submission of a complete franchise agreement, or (b) the date the Agreement is deemed approved pursuant to **Section 3(3) of the Act**, if the Franchising Entity either fails to notify the Provider regarding the completeness of the Agreement or approve the Agreement within the time periods required under that subsection.
- B. Before the expiration of the initial Franchise Agreement or any subsequent renewals, the Provider may apply for an additional 10-year renewal under **Section 3(7) of the Act**.

## VI. Fees

- A. A video service Provider shall calculate and pay an annual video service provider fee to the Franchising Entity. The fee shall be 1 of the following:
  - i. If there is an existing Franchise Agreement, an amount equal to the percentage of gross revenue paid to the Franchising Entity by the incumbent video Provider with the largest number of subscribers in the Franchising Entity.
  - ii. At the expiration of an existing Franchise Agreement or if there is no existing Franchise Agreement, an amount equal to the percentage of gross revenue as established by the Franchising Entity of 3 % (percentage amount to be inserted by Franchising Entity which shall not exceed 5%) and shall be applicable to all providers
- B. The fee shall be due on a quarterly basis and paid within 45 days after the close of the quarter. Each payment shall include a statement explaining the basis for the calculation of the fee.
- C. The Franchising Entity shall not demand any additional fees or charges from a provider and shall not demand the use of any other calculation method other than allowed under the Act.
- D. For purposes of this Section, "gross revenues" means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the provider from subscribers for the provision of video service by the video service provider within the jurisdiction of the franchising entity.
  - 1. **Gross revenues shall include all of the following:**
    - i. All charges and fees paid by subscribers for the provision of video service, including equipment rental, late fees, insufficient funds fees, fees attributable to video service when sold individually or as part of a package or bundle, or functionally integrated, with services other than video service.
    - ii. Any franchise fee imposed on the Provider that is passed on to subscribers.
    - iii. Compensation received by the Provider for promotion or exhibition of any products or services over the video service.
    - iv. Revenue received by the Provider as compensation for carriage of video programming on that Provider's video service.
    - v. All revenue derived from compensation arrangements for advertising to the local franchise area.
    - vi. Any advertising commissions paid to an affiliated third party for video service advertising.
  - 2. **Gross revenues do not include any of the following:**
    - i. Any revenue not actually received, even if billed, such as bad debt net of any recoveries of bad debt.
    - ii. Refunds, rebates, credits, or discounts to subscribers or a municipality to the extent not already offset by subdivision (D)(i) and to the extent the refund, rebate, credit, or discount is attributable to the video service.

- iii. Any revenues received by the Provider or its affiliates from the provision of services or capabilities other than video service, including telecommunications services, information services, and services, capabilities, and applications that may be sold as part of a package or bundle, or functionality integrated, with video service.
  - iv. Any revenues received by the Provider or its affiliates for the provision of directory or internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing.
  - v. Any amounts attributable to the provision of video service to customers at no charge, including the provision of such service to public institutions without charge.
  - vi. Any tax, fee, or assessment of general applicability imposed on the customer or the transaction by a federal, state, or local government or any other governmental entity, collected by the Provider, and required to be remitted to the taxing entity, including sales and use taxes.
  - vii. Any forgone revenue from the provision of video service at no charge to any person, except that any forgone revenue exchanged for trades, barter, services, or other items of value shall be included in gross revenue.
  - viii. Sales of capital assets or surplus equipment.
  - ix. Reimbursement by programmers of marketing costs actually incurred by the Provider for the introduction of new programming.
  - x. The sale of video service for resale to the extent the purchaser certifies in writing that it will resell the service and pay a franchise fee with respect to the service.
- E.** In the case of a video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the video Provider's revenue attributable to the other services, capabilities, or applications shall be included in gross revenue unless the Provider can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.
- F.** Revenue of an affiliate shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate has the effect of evading the payment of franchise fees which would otherwise be paid for video service.
- G.** The Provider is entitled to a credit applied toward the fees due under **Section 6(1) of the Act** for all funds allocated to the Franchising Entity from annual maintenance fees paid by the provider for use of public rights-of-way, minus any property tax credit allowed under **Section 8 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (METRO Act)**, 2002 PA 48, MCL 484.3108. The credits shall be applied on a monthly pro rata basis beginning in the first month of each calendar year in which the Franchising Entity receives its allocation of funds. The credit allowed under this subsection shall be calculated by multiplying the number of linear feet occupied by the Provider in the public rights-of-way of the Franchising Entity by the lesser of 5 cents or the amount assessed under the **METRO Act**. The Provider is not eligible for a credit under this section unless the provider has taken all property tax credits allowed under the **METRO Act**.
- H.** All determinations and computations made under this section shall be pursuant to generally accepted accounting principles.
- I.** Any claims by a Franchising Entity that fees have not been paid as required under **Section 6 of the Act**, and any claims for refunds or other corrections to the remittance of the Provider shall be made within 3 years from the date the compensation is remitted.
- J.** The Provider may identify and collect as a separate line item on the regular monthly bill of each subscriber an amount equal to the percentage established under **Section 6(1) of the Act**, applied against the amount of the subscriber's monthly bill.
- K.** The Franchising Entity shall not demand any additional fees or charges from a Provider and shall not demand the use of any other calculation method other than allowed under the Act.

## **VII. Public, Education, and Government (PEG) Channels**

- A.** The video service Provider shall designate a sufficient amount of capacity on its network to provide for the same number of public, education, and government access channels that are in actual use on the incumbent video provider system on the **effective date of the Act** or as provided under **Section 4(14) of the Act**.
- B.** Any public, education, or government channel provided under this section that is not utilized by the Franchising Entity for at least 8 hours per day for 3 consecutive months may no longer be made available to the Franchising Entity and may be programmed at the Provider's discretion. At such a time as the Franchising Entity can certify a schedule for at least 8 hours of daily programming for a period of 3 consecutive months, the Provider shall restore the previously reallocated channel.
- C.** The Franchising Entity shall ensure that all transmissions, content, or programming to be retransmitted by a video service Provider is provided in a manner or form that is capable of being accepted and retransmitted by a Provider, without requirement for additional alteration or change in the content by the Provider, over the

particular network of the Provider, which is compatible with the technology or protocol utilized by the Provider to deliver services.

- D. The person producing the broadcast is solely responsible for all content provided over designated public, education, or government channels. The video service Provider *shall not* exercise any editorial control over any programming on any channel designed for public, education, or government use.
- E. The video service Provider is not subject to any civil or criminal liability for any program carried on any channel designated for public, education, or government use.
- F. If a Franchising Entity seeks to utilize capacity pursuant to **Section 4(1) of the Act** or an agreement under **Section 13 of the Act** to provide access to video programming over one or more PEG channels, the Franchising Entity shall give the Provider a written request specifying the number of channels in actual use on the incumbent video provider's system or specified in the agreement entered into under **Section 13 of the Act**. The video service Provider shall have 90 days to begin providing access as requested by the Franchising Entity. The number and designation of PEG access channels shall be set forth in an addendum to this agreement effective 90 days after the request is submitted by the Franchising Entity.
- G. A PEG channel shall only be used for noncommercial purposes.

### VIII. PEG Fees

- A. The video service Provider shall also pay to the Franchising Entity as support for the cost of PEG access facilities and services an annual fee equal to one of the following options:
  - 1. If there is an existing Franchise on the effective date of the Act, the fee (enter the fee amount \_\_\_\_\_) paid to the Franchising Entity by the incumbent video Provider with the largest number of cable service subscribers in the Franchising Entity as determined by the existing Franchise Agreement;
  - 2. At the expiration of the existing Franchise Agreement, the amount required under (1) above, which is 0 % of gross revenues. (The amount under (1) above is not to exceed 2% of gross revenues);
  - 3. If there is no existing Franchise Agreement, a percentage of gross revenues as established by the Franchising Entity and to be determined by a community need assessment, is \_\_\_\_\_% of gross revenues. (The percentage that is established by the Franchising Entity is not to exceed 2% of gross revenues.); and
  - 4. An amount agreed to by the Franchising Entity and the video service Provider.
- B. The fee required by this section shall be applicable to all providers, pursuant to Section 6(9) of the Act.
- C. The fee shall be due on a quarterly basis and paid within 45 days after the close of the quarter. Each payment shall include a statement explaining the basis for the calculation of the fee.
- D. All determinations and computations made under this section shall be pursuant to generally accepted accounting principles.
- E. Any claims by a Franchising Entity that fees have not been paid as required under **Section 6 of the Act**, and any claims for refunds or other corrections to the remittance of the Provider shall be made within 3 years from the date the compensation is remitted.
- F. The Provider may identify and collect as a separate line item on the regular monthly bill of each subscriber an amount equal to the percentage established under **Section 6(8) of the Act**, applied against the amount of the subscriber's monthly bill.
- G. The Franchising Entity shall not demand any additional fees or charges from a Provider and shall not demand the use of any other calculation method other than allowed under the Act.

### IX. Audits

- A. No more than every 24 months, a Franchising Entity may perform reasonable audits of the video service Provider's calculation of the fees paid under **Section 6 of the Act** to the Franchising Entity during the preceding 24-month period only. All records reasonably necessary for the audits shall be made available by the Provider at the location where the records are kept in the ordinary course of business. The Franchising Entity and the video service Provider shall each be responsible for their respective costs of the audit. Any additional amount due verified by the Franchising Entity shall be paid by the Provider within 30 days of the Franchising Entity's submission of invoice for the sum. If the sum exceeds 5% of the total fees which the audit determines should have been paid for the 24-month period, the Provider shall pay the Franchising Entity's reasonable costs of the audit.
- B. Any claims by a Franchising Entity that fees have not been paid as required under **Section 6 of the Act**, and any claims for refunds or other corrections to the remittance of the provider shall be made within 3 years from the date the compensation is remitted.

## **X. Termination and Modification**

This Franchise Agreement issued by a Franchising Entity may be terminated or the video service area footprint may be modified, except as provided under **Section 9 of the Act**, by the Provider by submitting notice to the Franchising Entity. The Provider will use Attachment 2, when notifying the Franchising Entity.

## **XI. Transferability**

This Franchise Agreement issued by a Franchising Entity or an existing franchise of an incumbent video service Provider is fully transferable to any successor in interest to the Provider to which it is initially granted. A notice of transfer shall be filed with the Franchising Entity within 15 days of the completion of the transfer. The Provider will use Attachment 2, when notifying the Franchising Entity. The successor in interest will assume the rights and responsibilities of the original provider and will also be required to complete their portion of the Transfer Agreement located within Attachment 2.

## **XII. Change of Information**

If any of the information contained in the Franchise Agreement changes, the Provider shall timely notify the Franchising Entity. The Provider will use Attachment 2, when notifying the Franchising Entity.

## **XIII. Confidentiality**

Pursuant to Section 11 of the Act: Except under the terms of a mandatory protective order, trade secrets and commercial or financial information designated as such and submitted under the Act to the Franchising Entity or Commission are exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246 and **MUST BE KEPT CONFIDENTIAL**.

- A. The Provider may specify which items of information should be deemed “confidential.” It is the responsibility of the provider to clearly identify and segregate any confidential information submitted to the franchising entity with the following information:  
“[insert PROVIDER’S NAME]  
[CONFIDENTIAL INFORMATION]”
- B. The Franchising Entity receiving the information so designated as confidential is required (a) to protect such information from public disclosure, (b) exempt such information from any response to a FOIA request, and (c) make the information available only to and for use only by such local officials as are necessary to approve the franchise agreement or perform any other task for which the information is submitted.
- C. Any Franchising Entity which disputes whether certain information submitted to it by a provider is entitled to confidential treatment under the Act may apply to the Commission for resolution of such a dispute. Unless and until the Commission determines that part or all of the information is not entitled to confidential treatment under the Act, the Franchising Entity shall keep the information confidential.

## **XIV. Complaints/Customer Service**

- A. The Provider shall establish a dispute resolution process for its customers. Provider shall maintain a local or toll-free telephone number for customer service contact.
- B. The Provider shall be subjected to the penalties, as described under **Section 14 of the Act**, and the Franchising Entity and Provider may be subjected to the dispute process as described in **Section 10 of the Act**.
- C. Each Provider shall annually notify its customers of the dispute resolution process required under **Section 10 of the Act**. Each Provider shall include the dispute resolution process on its website.
- D. Before a customer may file a complaint with the Commission under **Section 10(5) of the Act**, the customer shall first attempt to resolve the dispute through the dispute resolution process established by the Provider in **Section 10(2) of the Act**.
- E. A complaint between a customer and a Provider shall be handled by the Commission pursuant to the process as described in **Section 10(5) of the Act**.
- F. A complaint between a Provider and a franchising entity or between two or more Providers shall be handled by the Commission pursuant to the process described in **Section 10(6) of the Act**.
- G. In connection with providing video services to the subscribers, a provider shall not do any act prohibited by Section 10(1)(a-f) of the Act. The Commission may enforce compliance to the extent that the activities are not covered by **Section 2(3)(l) in the Act**.

**XV. Notices**

Any notices to be given under this Franchise Agreement shall be in writing and delivered to a Party personally, by facsimile or by certified, registered, or first-class mail, with postage prepaid and return receipt requested, or by a nationally recognized overnight delivery service, addressed as follows:

*If to the Franchising Entity:*  
(must provide street address)

*If to the Provider:*  
(must provide street address)

**City of Eaton Rapids:**

**DIRECTV, LLC**

\_\_\_\_\_  
200 South Main Street

\_\_\_\_\_  
2260 E. Imperial Highway

\_\_\_\_\_  
Eaton Rapids, Michigan 48827

\_\_\_\_\_  
El Segundo, California 90245

\_\_\_\_\_  
Attn: City Clerk

\_\_\_\_\_  
Attn: LEGAL / EXTERNAL AFFAIRS

\_\_\_\_\_  
(cc: City Manager)

\_\_\_\_\_  
Scott J. Alexander, Senior Director – External  
Affairs

\_\_\_\_\_  
E-Mail Address:

\_\_\_\_\_  
E-Mail Address: scott.alexander@directv.com

\_\_\_\_\_  
lboomer@cityofeatonrapids.com

\_\_\_\_\_  
(cc: yridge@cityofeatonrapids.com)

Or such other addresses or facsimile numbers as the Parties may designate by written notice from time to time.

**XVI. Miscellaneous**

- A. **Governing Law.** This Franchise Agreement shall be governed by, and construed in accordance with, applicable Federal laws and laws of the State of Michigan.
- B. **The parties to this Franchise Agreement are subject to all valid and enforceable provisions of the Act.**
- C. **Counterparts.** This Agreement may be signed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute on and the same agreement.
- D. **Power to Enter.** Each Party hereby warrants to the other Party that it has the requisite power and authority to enter into this Franchise Agreement and to perform according to the terms hereof.
- E. **The Provider and Franchising Entity are subject to the provisions of 2006 Public Act 480.**

IN WITNESS WHEREOF, the Parties, by their duly authorized representatives, have executed this Franchise Agreement.

**City of Eaton Rapids, a Michigan municipal corporation**

By

Print Name

Title

Address

City, State, Zip

Phone

Fax

Email

**DIRECTV, LLC, a California limited liability company**

By



Print Name

Scott J. Alexander

Title

Senior Director – External Affairs

Address

2260 E. Imperial Highway

City, State, Zip

El Segundo, California 90245

Phone

(214) 202-3185

Fax

None

Email

scott.alexander@directv.com

**FRANCHISE AGREEMENT**

*(Franchising Entity to Complete)*

Date submitted:

Date completed and approved:

# ATTACHMENT 1

## UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT (Pursuant To 2006 Public Act 480) (Form must be typed)

Date: July 12, 2023		
Applicant's Name: DIRECTV, LLC		
Address 1: 2260 E. Imperial Highway		
Address 2:		Phone: (310) 964-3982
City: El Segundo	State: California	Zip: 90245
Federal I.D. No. (FEIN): 95-4511940		

### Company executive officers:

Name(s): Brian M. Regan
Title(s): Senior Vice President and Assistant Secretary

### Person(s) authorized to represent the company before the Franchising Entity and the Commission:

Name: Scott J. Alexander or his designee(s)		
Title: Senior Director - External Affairs		
Address: 2260 E. Imperial Highway, El Segundo, California 90245		
Phone: (214) 202-3185	Fax: None	Email: scott.alexander@directv.com

### Describe the video service area footprint as set forth in Section 2(3e) of the Act. (An exact description of the video service area footprint to be served, as identified by a geographic information system digital boundary meeting or exceeding national map accuracy standards.)

DIRECTV, LLC  SEE ATTACHED MAP LABELED AS ATTACHMENT A  The Video Service Area Footprint is set forth in a map, attached as Attachment A, which is created using Expanded Geographic Information System (EGIS) software and thus, meets the requirements of Section 2(3)(e) of Act 480. The map identifies the Video Service Area Footprint in terms of AT&T wire centers or exchanges serving the City of Eaton Rapids, and such boundaries are overlaid onto a map with the municipal boundaries of the City of Eaton Rapids.
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[**Option A:** for Providers that Options B and C are not applicable, a description based on a geographic information system digital boundary meeting or exceeding national map accuracy standards]

[**Option B:** for Providers with 1,000,000 or more access lines in Michigan using telecommunication facilities to provide Video Service, a description based on entire wire centers or exchanges located in the Franchising Entity]


[**Option C:** for an Incumbent Video Service Provider, it satisfies this requirement by allowing the Franchising Entity to seek right-of-way information comparable to that required by a permit under the METRO Act as set forth in its last cable franchise or consent agreement from the Franchising Entity entered into before the effective date of the Act]

**Pursuant to Section 2(3)(d) of the Act, if the Provider is not an incumbent video Provider, provide the date on which the Provider expects to provide video services in the area identified under Section 2(3)(e) (the Video Service Area Footprint).**

**For All Applications:**

**Verification  
(Provider)**

I, Brian M. Regan, of lawful age, and being first duly sworn, now states: As an officer of the Provider, I am authorized to do and hereby make the above commitments. I further affirm that all statements made above are true and correct to the best of my knowledge and belief.

<i>Name and Title (printed):</i> Brian M. Regan, Senior Vice President and Assistant Secretary	
<i>Signature:</i> 	<i>Date:</i> July 12, 2023

**(Franchising Entity)**

**City of Eaton Rapids, a Michigan municipal corporation**

By

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Fax

\_\_\_\_\_  
Email

\_\_\_\_\_  
Date

THE CITY OF  
**Eaton Rapids**  
MICHIGAN

Pamela Colestock – *Mayor*  
William Steele – *Mayor Pro Tem*  
Deb Malewski – *Council Member*  
Stacey Robison – *Council Member*  
Ken Nicholas – *Council Member*

Yvonne Ridge – *City Manager*  
Larry Joe Weeks – *Police Chief*  
Roger McNutt – *Fire Chief*  
LeRoy Hummel – *Building Official*  
Rob Pierce – *Public Works/Utilities Director*  
Genny Allen – *Treasurer/Finance Director*  
Robin Webb – *City Clerk*  
Corey Cagle – *Director of Parks, Recreation and Events*  
Randy Jewell – *City Assessor*  
Cullen Harkness – *City Attorney*

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MEETING DATE: FEBRUARY 26, 2024,

PUBLIC WORKS/UTILITIES DIRECTOR

To: Mayor and City Council  Work Session  
From: Rob Pierce, Public Works/Utilities Director & Genny Allen, Treasurer/  
Finance Director  Regular Meeting  
Submitted: 2/26/2024  
Subject: Small Bucket Truck for Electric Department

**SUMMARY**

The Electric Department needs a small bucket truck to perform maintenance and repairs throughout the City safely. The Bucket Truck we are using is 15 years old and will not be able to be certified in the coming years. If we were to order a small bucket truck it would take approximately two (2) years to receive the truck. We were originally going to request authorization to put a truck on order. When we were securing a price for the truck, we were told there was one in stock because a municipality had refused delivery.

We are requesting approval to purchase a small bucket truck for the Electric Department from the Motor Pool Fund, through Global Rental Co., Inc. The current Fund Balance in the Electric Fund is approximately \$10 Million.

Small Bucket Truck – In Stock	\$ 187,134.00
Small Bucket Truck – Order (2 years)	\$ 201,400.00

**STAFF RECOMMENDATION/MOTION**

Staff recommends the City Council approve the purchase of a small bucket truck for the Electric Department for \$ 187,134.00 and the transfer of funds from the Electric Fund to the Motor Pool Fund to cover the purchase of the truck.

## LIST OF SUPPORTING DOCUMENTS

Two (2) Quotes, Picture





Quote Number: 222202402  
 Opportunity Number:  
 Sourcewell Contract #: 062320-ALT  
 Date: 2/22/2024

Quoted for: City of Eaton Rapids  
 Quoted by: Cory Collins  
 Phone: / Email: (937) 231-6001 / cory.collins@altec.com

REFERENCE MODEL	Sourcewell Price	Commercial List Price	Discount %
AT37-G 4x4, 2022	\$129,049	\$133,040	3%
(A.) Sourcewell Options On Contract			
1			
2			
3			

**SOURCEWELL OPTIONS TOTAL:** \$129,049 \$133,040 3%

(A.) **OPEN MARKET ITEMS** (Customer Requested)

1	UNIT	Unit to be Altec AT41M in lieu of AT37-G	\$32,027
2	UNIT & HYDRAULIC ACC		
3	BODY		
4	BODY & CHASSIS ACC		
5	ELECTRICAL		
6	FINISHING		
7	CHASSIS	Chassis and unit body to be 2024 extended cab in lieu of 2022 regular cab	\$23,913
8	OTHER		
9			
<b>OPEN MARKET OPTIONS TOTAL:</b>			\$55,940

**SUB-TOTAL FOR UNIT/BODY/CHASSIS:** \$184,989  
**Delivery to Customer:** \$2,145  
**TOTAL FOR UNIT/BODY/CHASSIS:** \$187,134

(C.) **ADDITIONAL ITEMS** (items are not included in total above)

1			
2			
3			
4			

\*\*Pricing valid for 45 days and may be subject to availability at time of order\*\*

**NOTES**

\*\* Denotes FET fees were paid when unit was new. Global is not FET exempt.  
 All items listed subject to availability, quote provided at time of request detailing options  
 Delivery is \$3.00 / mile  
 Alternate year models may be available in addition to the ones shown here, they will be discounted / priced appropriately to reflect this  
 Chassis model can be any standard chassis (Ford, Dodge, International, Freightliner, Peterbilt, etc.)  
**PAINT COLOR:** White to match chassis, unless otherwise specified  
**TO ORDER:** To order, please contact the Account Manager listed above.  
**CHASSIS:** Per Altec Commercial Standard  
**DELIVERY:** No later than \_\_\_\_ days ARO, FOB Customer Location  
**TERMS:** Net 10 days  
**BEST VALUE:** Altec boasts the following "Best Value" features: Altec ISO Grip Controls for Extra Protection, Only Lifetime Warranty on Structural Components in Industry, Largest Service Network in Industry, Altec SENTRY Web/CD Based Training, Dedicated/Direct Gov't Sales Manager, In-Service Training with Every Order.



MEETING DATE: 2/26/2024

CITY MANAGER

To: Mayor and City Council

Work Session

From: Yvonne Ridge, City Manager & Roger McNutt, Fire Chief

Regular Meeting

Submitted: 2/20/2024

Subject: Fire Department Ladder Truck Repair

### SUMMARY

At the February 12, 2024, City Council Work Session, Chief McNutt made Council aware of a needed repair for the Ladder Truck. An estimate was received from CSI Emergency Apparatus, LLC in the amount of \$9,875.

2000 American LaFrance Eagle Ladder Truck

Labor - Ladder Extension Pulley Repair and Ladder Service	\$ 4,050.00
Materials and Pulleys for Replacement	\$ 1,000.00
Labor – Waterway Seals	\$ 1,350.00
Materials – Waterway Seal Kit	\$ 875.00
Labor – Aerial Service	\$ 1,500.00
Materials – Aerial	\$ 1,100.00
Total	\$ 9,875.00

### STAFF RECOMMENDATION/MOTION

Motion to approve the repair for Ladder Truck with CSI Emergency Apparatus, LLC.

### LIST OF SUPPORTING DOCUMENTS

CSI Emergency Apparatus, LLC Estimate

CSI Emergency Apparatus, LLC  
 Grayling, MI 49738



# Estimate

Date	Estimate #
2/6/2024	1011

Name / Address
EATON RAPIDS CITY FIRE 101 LINE ST. EATON RAPIDS, MI 48827

Ship To

Terms	Due Date	Project
N30	3/7/2024	

Item	Item Description	Qty	Unit Price	Total Price
	CUSTOMER: EATON RAPIDS FIRE DEPARTMENT UNIT: PLATFORM 516 YEAR: 2000 AMERICAN LAFRANCE EAGLE VIN: 4Z3XESZB7YRG32427 QUALITY MANUFACTURING AMERICAN LAFRANCE PUMP # AG32427 2000 GPM PUMP DETROIT DIESEL Q6R055504 ALLISON TRANSMISSION: HD4060 6610054275 ENGINE HOURS: MILEAGE: DATE OF SERVICE: LADDER EXTENSION PULLEY REAPIR AND LADDER SERVICE			
Labor C...	SET UP LADDER, EXTEND TO THE POSITION TO REMOVE PULLEYS AND CABLE. REMOVE CABLE TO ALLOW ACCESS TO REMOVE THE MAIN FLY SECTION PULLEY THAT IS WORN OUT. REMOVE PINS AND THE PULLEY AS AN OBSELETE SYSTEM, TAKE PULLEY TO MACHINE SHOP AND HAVE THEM BORE OUT THE PULLEY TO BE WITHIN SPEC MOUNTING POSITION IN THE LADDER MAIN SECTION THAT THE PULLEY WAS WORN OUT TO BE BROUGHT TO CORRECT SPEC FOR REMOUNT OF PULLEY ALL PULLY LOCATIONS ON THE LADDER SECTIONS TO BE REMOVED AND INSPECTED FOR CORRECT SPEC AND WORKING CONDITION	30	135.00	4,050.00
DIRECT	MATERIALS AND PULEYS FOR REPLACEMENT	1	1,000.00	1,000.00
Labor C...	WATERWAY SEALS ARE LEAKING AND IN NEED OF REPLACEMENT REPLACE WATER WAY SEALS	10	135.00	1,350.00
DIRECT	WATERWAY SEAL KIT	1	875.00	875.00
AERIA...	AERIAL SERVICE: CLEAN ALL MOVING PARTS OF THE AERIAL TO INCLUDE THE LADDER, CABLES, GEARING. LUBRICATE ALL PARTS AS REQUIRED (LABOR)	1.5	1,000.00	1,500.00
DIRECT	SUPPLIES, WEAR PAD COMPONENTS, AND GREASE FOR AERIAL SERVICE WEAR PADS WILL NEED TO BE CUSTOM MADE AS THIS IS A OBSELETE AERIAL	1	1,100.00	1,100.00

State of Michigan Repair Facility License # F170971 Greenville, MI	<b>Subtotal</b>	\$9,875.00
	<b>Sales Tax (0.0%)</b>	\$0.00
	<b>Total</b>	\$9,875.00