



BANGOR CITY COUNCIL REGULAR MEETING AGENDA

Date: January 6, 2025 **Time:** 7:00 PM

Location: 257 W Monroe St Bangor, MI 49013

City Council meetings are conducted in accordance with Michigan's Open Meeting Act (OMA), 1976 PA 267, MCL 15.261 et seq. and Roberts Rules of Order Newly Revised.

UPCOMING MEETINGS:

Council – Jan 21, Feb 3 & 17 @ 7PM

Planning – Jan 9 @ 7PM

Bangor Housing – Jan 16 @ 6PM (820 Second St)

DDA – Jan 21 @ 7PM (May be rescheduled)

Parks & Recreation – Feb 4 @ 4:30 PM

EDC – Done meeting until March 2025

Cemetery – Done meeting until April 2025

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call of Council Members**
4. **Approval of Agenda**
5. **Consent Agenda Items** (Roll Call Vote)
 Consent agenda items can be adopted by a simple motion.
 Any consent agenda item may be removed at the request of a Council Member.
 - a. Approval of **Regular Meeting** minutes for **12/16/24**
 - b. Approval of **General Checking Accounts Payable & Payroll** for **12/30/24** for **\$94,673.61**
 - c. Approval of **T&A2 Checking Accounts Payable** for **12/30/24** for **\$72,674.54**
6. **Comments/Concerns from the Audience/Public on any matters on the agenda items 6-8***
 A limit of three (3) minutes per speaker is in effect.
7. **Regular Business** (Resolutions, Proclamations, Department Head Reports, and Presentations)
 - a. Accept DDA Appointment of Charles Spreitzer City Manager Weber
8. **Postponed Items**
 - a. NONE
9. **Unfinished Business**
 - a. NONE
10. **New Business**
 - a. Consideration of potential misconduct by Planning Commission Member City Attorney Graham
 - b. Annual Review and Acknowledgement of Ordinance #258 Clerk Umbanhowar
 - c. Rules of Procedures for the City Council Clerk Umbanhowar
11. **Comments/Concerns from the Audience/Public on any matters not on the agenda items***
 A limit of three (3) minutes per speaker is in effect.
12. **Councilmember Closing Comments**
13. **Closed Session**
 - a. Closed Session for Legal Advice City Attorney Graham
14. **Return to Open Session**
15. **Adjournment**

Agenda items might be added or removed as necessary after publication deadline

*The purpose of the public comment periods are for members of the public to inform the council of their views. Traditionally, Council does not respond to comments made at the meeting; however, the Mayor or City Manager may direct staff to follow up with the speaker as appropriate. Public and council comments are not required to be recorded. "Meeting Minutes are a record of what was done, not what was said" - Roberts Rules of Order Newly Revised (RONR)



CITY OF BANGOR
BANGOR COUNCIL MEETING MINUTES
DECEMBER 16, 2024
MINUTES

Council Chambers

Regular Meeting

7:00PM

257 W MONROE ST
BANGOR, MI 49013

1. **This meeting was called to order by Mayor Farmer at 7:00 pm.**
2. **PLEDGE OF ALLEGIANCE IS LED BY MAYOR PRO TEM MARTINEZ-SERRATOS AND RECITED BY ALL PRESENT**

ATTENDANCE/ROLL CALL

Attendee Name	Title	Status	
		Present	Absent
Lynne Farmer	Mayor	X	
Pati Martinez-Serratos	Mayor Pro Tem	X	
Heléne Rivers	Councilmember	X	
Jeremy Uplinger	Councilmember	X	
Jerry Muenzer	Councilmember	X	
Amber Garcia	Councilmember	X	
Darla McCrumb	Councilmember	X	
QUORUM MET (7 PRESENT)			

OTHERS PRESENT

Scott Graham, City Attorney
 Justin Weber, City Manager
 Shelly Umbanhowar, Clerk
 Stephenie Cagle, Treasurer
 Approximately 16 members of the public

Ross Morang, Police Officer
 Derek Babcock, Fire Chief
 Ezekiel Drake, Code Enforcement
 Steve Lowder, DPW Director

3. **APPROVAL OF REGULAR AGENDA**

Motion to accept Regular Meeting Agenda as Presented.	
RESULT:	CARRIED (UNANIMOUS)
MOVER:	Jerry Muenzer, Councilmember
SECONDER:	Jeremy Uplinger, Councilmember

4. **APPROVAL OF CONSENT AGENDA**

a. **Consent Agenda**

Motion to accept Consent Agenda items: Regular Meeting Minutes 12/02/24 , Accounts Payable/Payroll: General Checking in the amount of \$108,199.96 , Roads in the amount of \$36,756.66 , and T&A Checking in the amount of \$1,212.08 .	
RESULT:	APPROVED (7 YES)
MOVER:	Amber Garcia, Councilmember
SECONDER:	Darla McCrumb, Councilmember
AYES:	Rivers, Muenzer, Uplinger, McCrumb, Farmer, Garcia, Martinez-Serratos

5. **OPPORTUNITY FOR PUBLIC COMMENT – AGENDA ITEMS ONLY**

No public comments.

6. **OTHER REGULAR BUSINESS**

a. **Christmas Tree Winner**

Mayor Farmer presented Dawn Wade a prize for the winning Christmas tree.

b. **Reports**

Department Head and Commission & Boards Reports (*DPW, Police, Fire, Code Enforcement, Clerk, Treasurer, Planning, EDC, DDA, Bangor Housing*) were given.

7. **UNFINISHED BUSINESS**

c. **Adopt Ordinance #296 – Automatic Annual Increases – Water Rates**

This ordinance was introduced at the 12/02/24 Regular City Council meeting.

Motion to adopt Ordinance #296 Automatic Annual Increases for Water Rates.	
RESULT:	APPROVED (7 YES)
MOVER:	Jerry Muenzer, Councilmember
SECONDER:	Heléne Rivers, Councilmember
AYES:	Rivers, Muenzer, Uplinger, McCrumb, Farmer, Garcia, Martinez-Serratos

d. **Adopt Ordinance #297 – Automatic Annual Increases – Wastewater Rates**

This ordinance was introduced at the 12/02/24 Regular City Council meeting.

Motion to adopt Ordinance #297 Automatic Annual Increases for Wastewater Rates.	
RESULT:	APPROVED (7 YES)
MOVER:	Heléne Rivers, Councilmember
SECONDER:	Jeremy Uplinger, Councilmember
AYES:	Rivers, Muenzer, Uplinger, McCrumb, Farmer, Garcia, Martinez-Serratos

a. **Adopt Ordinance #298 – Regular Scheduled Meetings for the Council**

This ordinance was introduced at the 12/02/24 Regular City Council meeting. Regular Scheduled Meetings for the Council. This ordinance amends Ordinance #212.

Motion to adopt Ordinance #298 Regular Schedule Meetings for the Council.	
RESULT:	APPROVED (7 YES)
MOVER:	Amber Garcia, Councilmember
SECONDER:	Darla McCrumb, Councilmember
AYES:	Rivers, Muenzer, Uplinger, McCrumb, Farmer, Garcia, Martinez-Serratos

8. **NEW BUSINESS**

e. **Simultaneous PC and Board of Review Membership**

City Attorney Graham presented his opinion on simultaneous PC and Board of Review Membership. There has been concern that the charter is not being followed in this matter. The City Attorney has researched and confirmed that there is no conflict.

f. **Adopt Policy 2024-03 Public Comments at Meetings**

Motion to adopt Policy 2024-03 Public Comments at Meetings Policy.	
RESULT:	APPROVED (7 YES)
MOVER:	Jeremy Uplinger, Councilmember
SECONDER:	Heléne Rivers, Councilmember
AYES:	Rivers, Muenzer, Uplinger, McCrumb, Farmer, Garcia, Martinez-Serratos

9. OPPORTUNITY FOR PUBLIC COMMENT

Public comments heard.

10. COUNCILMEMBER CLOSING COMMENTS

Councilmember comments were heard.

11. ADJOURNMENT

Motion to adjourn at 8:08 PM	
RESULTS:	CARRIED (UNANIMOUS)
MOVER:	Jerry Muenzer, Councilmember
SECONDER:	Heléne Rivers, Councilmember

Shelly Umbanhowar, City Clerk

Mayor Lynne Farmer

CERTIFICATION

I, **Shelly Umbanhowar**, the duly appointed Clerk for the City of Bangor, do hereby certify that this is a true and exact copy of the minutes from the **Regular Meeting held on Monday, December 16, 2024**. These minutes were **approved by the City Council on Monday, January 6, 2025**, by unanimous vote. The original is on file at the Bangor City Hall, 257 W. Monroe Street, Bangor, Michigan 49013.

Shelly Umbanhowar, City Clerk



CITY COUNCIL AGENDA FACT SHEET

To: Mayor Farmer, Pro Tem Martinez-Serratos, Councilmember Rivers, McCrumb, Garcia, Muenzer and Uplinger

CC: Justin Weber, City Manager

From: Amanda Karr, Deputy Clerk

CC: Stephenie Cagle, Treasurer; Shelly Umbanhowar, Clerk

Subject: Accounts Payable and Payroll

Date: 01/02/25

Recommended Action:

GENERAL CHECKING - Treasurer recommends City Council approval of the following:

- **Bill List** for 01/01/25 (38 items) in the amount of **\$37,023.02.**
- **ACH/EFT Transactions** (10 items) in the amount of **\$4,426.69**
- **Payroll** for 12/20/24, PTO Buy Out, Dec Board of Review & Council in the amount of **\$53,148.90.**
 - For a **grand total** amount of **\$94,673.61** from the **GCK-2** account.

• TOTAL AMOUNT OF <u>GCK-2</u> BILLS LIST & PAYROLL	<u>\$94,673.61</u>
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T&A2 - Treasurer recommends City Council approval of the following:

- **Bill List** for 01/01/25 (10 items) in the amount of **\$72,674.54.**
 - For a **grand total** amount of **\$72,674.54** from the **T&A2** account.

• TOTAL AMOUNT OF <u>T&A2</u> BILLS LIST	<u>\$72,674.54</u>
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Council Action:

For Action

Summary:

See GCK-2, and T&A2 invoice approval lists.

12/30/2024

INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF BANGOR
EXP CHECK RUN DATES 01/07/2025 - 01/07/2025
BOTH JOURNALIZED AND UNJOURNALIZED OPEN AND PAID
BANK CODE: GCK-2 - CHECK TYPE: PAPER CHECK

Vendor Code	Vendor Name	Description	Amount
ABBFIRE	ABB JOINT FIRE BOARD		
	198	MSP FLOW SERVICES ANNUALL FEE	400.00
TOTAL FOR: ABB JOINT FIRE BOARD			400.00

AUTO	AUTO-WARES GROUP		
	378-208881	BACK HOE REPAIRS/MAINTENANCE	55.00
TOTAL FOR: AUTO-WARES GROUP			55.00

BENISTAR	BENISTAR/UA-6803		
	01012025	JANUARY RETIREE BENEFITS	2,865.84
TOTAL FOR: BENISTAR/UA-6803			2,865.84

CINTAS	CINTAS CORPORATION #301		
	412517876	RUGS @ CITY HALL/POLICE	99.37
	4214596861	DPW UNIFORMS	53.96
	4215349119	DPW UNIFORMS	53.96
	4215358024	RUGS @ CITY HALL/POLICE	99.37
	4216038548	DPW UNIFORMS	53.96
TOTAL FOR: CINTAS CORPORATION #301			360.62

CORE&MAIN	CORE & MAIN LP		
	V889374	WATER METER SUPPLIES	2,839.32
	W131940	WATER METERS	8,782.32
TOTAL FOR: CORE & MAIN LP			11,621.64

DANSAUTO	DAN'S AUTOMOTIVE		
	I010224	OIL CHANGE FOR POLICE CAR #55	40.54
	I010297	TIRE PLUG FOR POLICE CAR #54	20.00
TOTAL FOR: DAN'S AUTOMOTIVE			60.54

DELTA	DELTA DENTAL OF MICHIGAN		
	RIS0006140004	JANUARY DENTAL INSURANCE	1,383.97
TOTAL FOR: DELTA DENTAL OF MICHIGAN			1,383.97

ELECTION	ELECTION SOURCE		
	24-17438	PETITIONS SUPPLIES	27.52
TOTAL FOR: ELECTION SOURCE			27.52

TOTAL PAGE 1 16,775.13

ELHORN	ELHORN ENGINEERING COMPANY		
	305021	WATER TREATMENT SUPPLIES	1,092.00
TOTAL FOR: ELHORN ENGINEERING COMPANY			1,092.00
FERGUSON	FERGUSON ENTERPRISES, INC		
	0212496	LID & CURB BOXES	180.15
TOTAL FOR: FERGUSON ENTERPRISES, INC			180.15
FLEETWOODS	FLEETWOODS MECHANICAL SERVICES		
	38849044126	DPW A/C SERVICE CALL	110.00
	67355	DPW FURNACE SERVICE CALL	1,030.00
TOTAL FOR: FLEETWOODS MECHANICAL SERVICES			1,140.00
FREDRICKSO	FREDRICKSON SUPPLY		
	17465	VAC TRUCK POWER WASHER TRIGGER	318.22
	17488	VAC TRUCK POWER WASHER REPAIR	821.38
TOTAL FOR: FREDRICKSON SUPPLY			1,139.60
STATE POL	MICHIGAN STATE POLICE		
	551-647366	POLICE LEIN TOKENS	198.00
TOTAL FOR: MICHIGAN STATE POLICE			198.00
MIDWAY	MIDWAY ELECTRIC INC.		
	7758	SERVICE DATE 12/06/24-INSTALL JUCTION BOX	389.00
	7759	SERVICE DATE 12/05/24-LIGHT POLE REMOVAL	410.00
	7760	WALL HEATER/THERMOSTAT.SERVICE CALL @ WELL #3	952.55
TOTAL FOR: MIDWAY ELECTRIC INC.			1,751.55
MISSDIGG	MISS DIG SYSTEM, INC		
	20250039	ANNUAL MEMBERSHIP FEE/MAINTENANCE FEE	1,094.63
TOTAL FOR: MISS DIG SYSTEM, INC			1,094.63
PAT'S PRON	PAT'S PRONTO PRINT		
	12172024	TRESPASS NOTICES	109.32
TOTAL FOR: PAT'S PRONTO PRINT			109.32
PRIORITY	PRIORITY HEALTH		
	243520025823	JANUARY HEALTH INSURANCE	7,816.76
TOTAL FOR: PRIORITY HEALTH			7,816.76
STANDARD	STANDARD INSURANCE COMPANY		
	006429460101 1.25	JAN 2025 LIFE INSURANCE	151.04
TOTAL FOR: STANDARD INSURANCE COMPANY			151.04

TOTAL PAGE 2 14,673.05

STAPLES	STAPLES		
	6019386195	OFFICE SUPPLIES	460.12
TOTAL FOR: STAPLES			460.12

STAR UNIFO	STAR UNIFORM		
	42907-2	POLICE UNIFORM SUPPLIES	97.50
TOTAL FOR: STAR UNIFORM			97.50

MDEQ	STATE OF MICHIGAN		
	761-11280758	NPDES ANNUAL PERMIT FEE	400.00
TOTAL FOR: STATE OF MICHIGAN			400.00

TRACE	TRACE ANALYTICAL LABORATORIES, INC		
	4101162	WEEKLY LAB TESTING	119.00
	4120513	WEEKLY LAB TESTING	119.00
	4120797	WEEKLY LAB TESTING	119.00
TOTAL FOR: TRACE ANALYTICAL LABORATORIES, INC			357.00

TRUCK	TRUCK & TRAILER SPECIALITIES		
	DSO015663	SNOW PLOW SUPPLES	660.97
TOTAL FOR: TRUCK & TRAILER SPECIALITIES			660.97

USBANK	US BANK EQUIPMENT FINANCE		
	544179468	CITY HALL COPIER LEASE	390.00
TOTAL FOR: US BANK EQUIPMENT FINANCE			390.00

VANCLERK	VAN BUREN COUNTY CLERK		
	12122024	NOV 2024 GENERAL ELECTION	867.47
TOTAL FOR: VAN BUREN COUNTY CLERK			867.47

VERIZWIRE	VERIZON WIRELESS		
	6100835625	CODE/DPW/POLICE CELL PHONES 11/11-12/10/24	171.08
TOTAL FOR: VERIZON WIRELESS			171.08

PP VILLAGE	VILLAGE OF PAW PAW		
	90831-1 10.24	LAB ANALYSIS FOR OCTOBER 2024	1,910.00
TOTAL FOR: VILLAGE OF PAW PAW			1,910.00

VSP	VISION SERVICE PLAN		
	821880493	JAN VISION INSURANCE	260.70
TOTAL FOR: VISION SERVICE PLAN			260.70

TOTAL - ALL PAPERCHECKS	37,023.02
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TOTAL PAGE 3	5,574.84
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EFT/ACH TRANSACTIONS

COMCAST	COMCAST		
	3770013411 1.25	DPW 12/21/24-01/20/25 INTERNET	150.20
	3770022578 1.25	PARK ST LIFT INTERNET 12/24/24-1/27/25	47.90
	3770030183 1.25	CITY HALL 12/16/24-01/15/25 INTERNET	346.85
	3770030191 1.25	POLICE STATION INTERNET 12/16/24-01/15/25	376.95
TOTAL FOR: COMCAST			921.90

CONSUMERS	CONSUMERS ENERGY		
	202966600491	POLICE STATION NATURAL GAS 11/20/24-12/19/24	105.41
	202966600494	CITY HALL NATURAL GAS 11/20/24-12/19/2024	256.83
	203411577885	WELL #9 11/15/24-12/16/24	434.69
	203411577886	WELL #8 11/15/24-12/16/24	2,107.44
	202966600492	NATURAL GAS ARLINGTON LIFT 11/20/24-12/19/24	72.54
	202966600493	NATURAL GAS DPW BUILDING 11/20/24-12/16/24	527.88
TOTAL FOR: CONSUMERS ENERGY			3,504.79

TOTAL - ALL EFT/ACH TRANSACTIONS 4,426.69

CHECK IN BEWTEEN			
CHECK IN BEWTEEN	CHECK #41897	MICHIGAN TOWNSHIP SERVICES - EMERGENCY SERVICE EMERGENCY SERVICE INSPECTION @ 204 MORRISON	75.00

TOTAL - ALL CHECKS IN BETWEEN 75.00

PAYROLL			
PAYROLL	PAYROLL		
	12/20/2024	BIWEEKLY 12/1-12/14/24	43,323.56
	12/20/2024	EMPLOYEE'S PTO BUY OUT	9,771.52
	12/20/2024	BOARD OF REVIEW	53.82
TOTAL FOR: PAYROLL			53,148.90

TOTAL - ALL PAYROLL 53,148.90

TOTAL - ALL CATEGORIES 94,673.61

TOTAL PAGE 4 57,650.59

12/30/2024

INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF BANGOR
EXP CHECK RUN DATES 12/17/2024 - 12/18/2024
BOTH JOURNALIZED AND UNJOURNALIZED OPEN AND PAID
BANK CODE: T&A 2 - CHECK TYPE: PAPER CHECK

Vendor Code	Vendor Name	Description	Amount
	Invoice		
PASS THROUGH TAXES			
	ABB JOINT FIRE BOARD		4,236.66
	BANGOR DDA		2,806.94
	BANGOR EDC		2,806.94
	BANGOR HISTORICAL SOCIETY		691.73
	BANGOR PUBLIC SCHOOLS		29,176.45
	CITY OF BANGOR		10,610.13
	SENIOR SERVICES OF VAN BUREN COUNTY		1,383.64
	VAN BUREN COUNTY TREASURER		4,712.57
	VAN BUREN DISTRICT LIBRARY		2,052.16
	VAN BUREN INTERMEDIATE SCHOOL		14,197.32
		TOTAL FOR: PASS THROUGH TAXES 12/17/2024	<u>72,674.54</u>

GRAND TOTAL ALL PASS THROUGH TAXES	72,674.54
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City Manager _____
Department Head _____
Treasurer *[Signature]* _____
Audit Committee _____





CITY COUNCIL AGENDA FACT SHEET

To: Mayor Farmer, Pro Tem Martinez-Serratos, Councilmember Rivers, McCrumb, Garcia, Muenzer and Uplinger

CC: Justin Weber, City Manager

From: Shelly Umbanhowar, Clerk

CC: Stephenie Cagle, Treasurer

Subject: DDA Appointment

Date: 01/02/25

Council Information:

The DDA has a vacancy on the board. Charles Spreitzer is the owner of the Elevator Building (Mall Hall). He has agreed to serve on the DDA. DDA recommends the appointment of Charles Spreitzer to the DDA Board.

Council Action:

Motion to accept the recommendation of DDA's appointment of Charles Spreitzer.



CITY COUNCIL AGENDA FACT SHEET

To: Mayor Farmer, Pro Tem Martinez-Serratos, Councilmember Rivers, McCrumb, Garcia, Muenzer and Uplinger

CC: Justin Weber, City Manager

From: Shelly Umbanhowar, Clerk

CC: Stephenie Cagle, Treasurer

Subject: Agenda Item 10 a.

Date: 01/02/25

Council Information:

City Attorney Graham requested to City Manager Weber that this item be added to the agenda: 'Consideration of potential misconduct by Planning Commission Member'. No further information is available for the packet regarding this item.

Council Action:

City Attorney Graham will discuss at the 01/06/25 council meeting during New Business, 10a.



CITY COUNCIL AGENDA FACT SHEET

To: Mayor Farmer, Pro Tem Martinez-Serratos, Councilmember Rivers, McCrumb, Garcia, Muenzer and Uplinger

CC: Justin Weber, City Manager

From: Shelly Umbanhowar, Clerk

CC: Stephenie Cagle, Treasurer

Subject: Ordinance #258 – Code of Ethics

Date: 01/02/25

Council Information:

Dear Council Members,

As public officials entrusted with the governance of our community, it is essential that we uphold the highest standards of integrity, transparency, and accountability. The **Code of Ethics** serves as a foundational document guiding our actions, decisions, and interactions as representatives of the City of Bangor.

To reinforce our commitment to these principles, I recommend that the Council establish an annual practice of reviewing and acknowledging the Code of Ethics.

Proposed Process:

1. **Annual Review:**
 - The Code of Ethics will be distributed to all Council members at the beginning of each calendar year.
 - Council members are encouraged to thoroughly review the document to ensure a shared understanding of ethical expectations and responsibilities.
2. **Acknowledgement:**
 - Each Council member will sign an **Acknowledgement Form** affirming their review and commitment to adhere to the Code of Ethics.
 - Signed acknowledgements will be retained in the City's official records as a demonstration of our dedication to ethical governance.
3. **Discussion Opportunity:**
 - Time will be allotted at an upcoming Council meeting to address any questions, suggestions, or clarifications regarding the Code of Ethics. This ensures that it remains a living document, responsive to the evolving needs and expectations of our community.

Benefits:

- **Promotes Trust:** Reinforces public confidence in the integrity and accountability of the City Council.
- **Fosters Cohesion:** Ensures all Council members operate under a shared ethical framework.
- **Mitigates Risk:** Reduces the likelihood of ethical conflicts by reaffirming standards and expectations.

Thank you for your attention to this important matter. Please let me know if there are any additional considerations or adjustments you would like to propose.

Council Action:

Please review prior to the 01/06/25 meeting. If you have edits, you can either send to the Clerk prior to the meeting or give them at the 01/06/25 meeting.

- If there are no edits and each Council Member agrees with the current Code of Ethics, please sign and return the acknowledgement form to the Clerk at the 01/06/25 meeting.

**CITY OF BANGOR
ORDINANCE # 2 5 8
ETHICAL STANDARDS OF CONDUCT**

AN ORDINANCE TO ADD CHAPTER 36: ETHICS TO TITLE III, ADMINISTRATION, CODE OF ORDINANCES, FOR THE CITY OF BANGOR ESTABLISHING A CODE OF ETHICAL STANDARDS OF CONDUCT FOR PUBLIC OFFICIALS AND EMPLOYEES OF THE CITY OF BANGOR THAT IS APPLICABLE TO PERSONS IN MUNICIPAL SERVICE WHETHER COMPENSATED OR NOT AND WHETHER ELECTED, APPOINTED OR HIRED AND TO PRESCRIBE PENALTIES FOR VIOLATIONS.

THE CITY OF BANGOR ORDAINS:

36.10 TITLE

This ordinance shall add Chapter 36 to Title III of the City Code of Ordinances and shall be titled Ethical Standards of Conduct.

36.20 INTERPRETATION

This Chapter shall establish ethical standards of conduct for elected and appointed officials of the City of Bangor whether compensated or not. The standards shall also apply to employees of the City of Bangor whether administrative or appointive, whether compensated by the hour or by salary, and whether members of an employee group or not.

36.30 SEVERABILITY

If any provision or section of this ordinance may later be amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provisions or applications.

36.40 REFERENCE TO OTHER SECTIONS

This ordinance, sections of this ordinance, or any of the parts of this amendment take precedence over other sections of this code. The Bangor City Council automatically amends affected sections of this code upon proper adoption, from time to time, of subsequent amendments.

36.50 PUBLIC POLICY DECLARATION

It is hereby declared to be the standard of ethical service to the City of Bangor that all officials and employees avoid conflicts between their private interests and those of the general public whom they serve. To enhance the faith of the people and to assure the integrity and impartiality of all officials and employees of the City, it is necessary that adequate guidelines be provided for

separating their roles as private citizens from their roles as public servants. Elected and appointive office, whether compensated or not, and public employment is a public trust and any effort to realize personal gain through official conduct is a violation of that trust. The ethical standards established herein are intended to eliminate to the fullest extent possible violations of ethical conduct and to ensure that such are investigated and punished where applicable.

36.60 Definitions

As used in this ordinance, the following words and phrases shall have the following meanings:

Agreement – an understanding between two or more persons or entities; a contract

Appointed – selected and installed in an office or position

Associated – the condition of being an owner, partner, member, part owner, employee, limited partner, stock holder, director, lender, borrower, or having a financial interest in

Beneficiary – a person or entity receiving a benefit

Business – commercial or industrial enterprise or establishment, store, etc.; work, employment, profession of an individual or group; commerce

Candidate – someone who seeks or who has been proposed for an office, position, or award

City – the City of Bangor

City employee – an employee of the City of Bangor whether full or part-time, contract or hired

City funds – any funds, money, or monetary rights owned by the city, or under City control in a fiduciary or representative capacity

City officer / official – an officer of the City of Bangor; someone holding an official position of authority with the City; e.g. the clerk, the mayor, the assessor, etc. whether the position is elective, appointive, administrative, contracted or hired and whether compensated or not as established by City Charter or City Ordinance which involves the exercise of a public power, trust or duty. This does not include a volunteer not appointed or elected to office.

City personnel – individuals working for the City of Bangor as employees for wages, salary or other agreed benefits

City Property – anything tangible or intangible including rights, owned by the City or under the control of the City in fiduciary or representative capacity

Compensation – money, property, thing of value or benefit conferred upon or received by any person or sought for any person in return for services rendered for or to be rendered to himself/herself or another

Conflict of interest – an interest that competes with or is adverse to a legitimate interest of the City

Consideration – something given or promised in exchange for something else, tangible or intangible, including promises

Contracts – agreements or mutual understandings supported by present or future consideration

Contribution – money or aid given another

Council – the City Council of the City of Bangor

Decision making – exercising public power to adopt laws, regulations or standards, render decisions, establish policy, determine questions of discretion

During the course of City business – while planning, working on, reporting on, or carrying out the affairs of the City whether for compensation or not

Duty of due care – exercising power, trust, authority or decision making as an prudent person

would exercise; not acting on a direct conflict of interest or a potential conflict of interest to self benefit or the benefit of another

Elected – chosen by the eligible voters of the City

Election fraud – a crime consisting of an intentional act which violates the election laws of the State of Michigan and which act is either designated as fraud by the relevant statute

Employee – a person working for the City for wages, salary, or other benefits and under the control and supervision of the City as to hours, work standards, and rules of work, etc.

Exchange – v. t. – to give in return

Expectation – looking forward to something; a looking forward as due

Favor – an unfair partiality; an obliging act; v.t. to be partial to, to support; advocate; to help

Financial gain – increase in monetary or material wealth or earnings

Gain – an increase in power, advantage, wealth, possessions, earnings

Gift – something given without recompense

Immediate family – spouse, child or step child, mother, father, step-parents, grand parents, step grand parents, brothers, sisters, step-brothers or sisters, or in-laws of any kind

Influence – the power of persons or things to influence others

Interfere – to come between for some purpose; meddle; attempt to determine course or outcome without authority or legitimate purpose

Member – any of the persons constituting an organization or group

Moral turpitude – an act of baseness; vileness or depravity; conduct contrary to honesty, justice or good morals

Officer / official – a person holding office, or position of authority in the City as may be described in the City Charter or by ordinance but not a volunteer not appointed or elected to a position

Official conduct – action or inaction by an officer or employee acting on behalf of the City

Official duty / official action – a decision, action, recommendation, approval, disapproval or other action or failure to action which involves the use of power, trust, decision making, or authority, or with moral turpitude

Other persons / Anyone else – members of ones immediate family or individual persons, or businesses, entities, associations, or groups

Personal gain – advantage or increase in wealth, possessions, power or other benefits for an individual or on behalf of another individual

Potential conflict of interest – a situation whereby the interests of the City and the interests of someone else will, may, or might become in conflict in the ordinary course of events

Promise – an agreement to do or not do something

Reward – something given for something done

Rules of ethical conduct – the provisions of this ordinance

Solicit – to ask or seek; often earnestly; to entice another to do something

36.70 STANDARDS OF CONDUCT

The City's integrity rests solidly on the foundation of several general rules of ethical behavior. These rules form fundamental values to be understood and honored by all.

1. Principles

The City expects its candidates, officers, officials and employees to be honest, to tell the truth, and to 'play by the rules.' The City expects its candidates, officers, officials and employees to be

aware the first small step taken that undermines ones integrity or the integrity of the City usually leads to another and another. In a short time, without having done anything major, integrity is compromised.

2. Honesty

The City expects its candidates, officers, officials and employees to not misrepresent situations, to not steal from the City, not falsify records, or misuse City property, equipment, supplies or assets for personal gain or benefit or for the gain or benefit of others.

3. Fairness

The City expects its candidates, officers, officials and employees to treat each other and everyone else with evenhandedness, fairness and sincerity.

4. Perception

The City expects its candidates, officers, officials and employees to act in such a way as to create the perception that he, she, and the City is acting fairly, honestly, and evenhandedly without partiality, favoritism, or dishonesty. The City expects its candidates, officers, officials and employees to avoid the appearance of impropriety, that behavior which suggests he, she or the City is acting questionably.

5. Spirit of the Law

The City expects its candidates, officers, officials and employees to honor the spirit of the law as well as the letter of the law.

6. Direction and Suggestion

The City expects its candidates, officers, officials and employees to understand that no improper action is made proper because a higher officer, official, or employee might have directed or suggested the action.

7. Gray Areas

Recognizing that there are times when City candidates, officers, officials and employees confront situations where there are two or more legitimate points of view, where there is no clear right or wrong answer, and that past practices have given way to new practices. It is in these situations the City expects its candidates, officers, officials and employees to be particularly careful and give thorough examination and thought before taking action or making decisions.

36.80 PROHIBITED ACTS

The following acts, actions, inactions, and attempted acts and actions constitute a violation of the ethical standards of conduct for city officials, officers and employees. These include but are not necessarily limited to these specific references but, rather, are intended as providing examples of actions and inactions that are prohibited by this ordinance.

1. Gratuities

No city officer, official or employee of the City shall solicit, accept or receive, directly or indirectly, any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it can

reasonably be inferred that the gift is intended to influence him or her in the performance of their official duty/duties or is intended as a reward for any official action on their part.

2. Preferential Treatment

No city officer, official or employee of the City shall use or attempt to use their official position to unreasonably secure, request or grant, any privileges, exemptions, advantages, contracts, or preferential treatment for themselves or others.

3. Use of Information

A) No city officer, official or employee of the City who acquires information in the course of their official duties, which information by law or policy is not available at the time to the general public, shall use such information to further the private interests of themselves or anyone else.

B) No city officer, official or employee of the City shall obtain or use City records, documents, communications, or others written or electronic records of the City or those under the control of the City to further the private interests of themselves or anyone else.

C) No city officer, official or employee of the City shall use their position to obtain information or records, which information or records by law or policy is not available at the time to the general public without requesting such information or records through the methods granted by the Freedom of Information Act.

4. Full Disclosure

No city officer, official or employee of the City shall participate, as an agent or representative of the City, in approving or disapproving, voting, abstaining from voting, recommending or otherwise acting upon any matter in which he or she has a direct or indirect interest without disclosing the full nature and extent of their interest. Such a disclosure must be made before the time to perform their duty or concurrently with that performance. If the officer, official or employee is a member of a decision making or advisory body, the disclosure must be made to the Chairman and other members of the body on the official record. Otherwise, a disclosure would be appropriately addressed by an appointed officer or employee to the supervisory head of the organization, or by an elected officer to the general public.

5. Use of City Property

No city officer, official or employee of the City shall, directly or indirectly, make use of or permit others to make use of City property, equipment, vehicles, or supplies of any kind for purely personal gain.

6. Other Prohibited Conduct

No city officer, official or employee of the City shall engage in any of the practices described below in list form. The following acts, actions, inactions, and attempted acts and actions constitute a violation of the ethical standards of conduct for city officials, officers and employees. These include but are not necessarily limited to these specific references but, rather, are intended as providing examples of actions and inactions that are prohibited by this ordinance, if not the Charter and labor agreements. They include:

1. Impeding government efficiency or operation.
2. Affecting adversely the confidence of the public in the integrity of the City.

3. Interfering on behalf of an employee or a member of one's immediate family.
4. Divulging confidential information.
5. Misusing City personnel resources, property, funds or assets for personal gain or the gain of others.
6. Representing his or her individual opinion as that of the City.
7. Violating labor agreements between the City and its employees.
8. Violating policies adopted by the City Council.
9. Engaging in a business transaction that cause the candidate, officer, official or employee to derive a personal gain.
10. Engaging in employment or rendering services that are incompatible or in conflict with the discharge of his or her official duties.
11. Offering a candidate, officer, official or employee of the City a gift, loan, contribution, reward or promise based on agreement, promise, or expectation that the vote, decision making or action of the candidate, officer, official or employee of the City would be influenced thereby.
12. Engaging in an act, actions or other conduct contrary to honesty, justice or good morals; or an act or actions of moral turpitude.
13. Acting on behalf of the City or on the behalf of the City Council when authority has not been specifically given.
14. Making a city decision outside of the official channels.
15. Soliciting support, financial or material, for City social, athletic, or recreational parties from individuals or firms that do business with the City or want to.
16. Appearing before City bodies on behalf of a private interest.
17. Participating in decision making affecting the interest of ones business or immediate family. The decision making may include monetary decisions, labor agreements, or other decisions that impact ones business and/or immediate family.
18. Missing in attendance from three consecutive regularly called meetings at which the attendance of the city officer, or official is required and know as part of the duties of such city officer, or official.

36.90 EXCLUSIONS

This ordinance is not intended to cover the following.

A) This ordinance shall not prohibit a city officer, official, candidate or employee from accepting minor gifts such as meals, awards, pens, pencils, and other token items valued at \$25 or less when the gift is extended during the course of city business and no return promise is made by the recipient.

B) This ordinance shall not prevent any officer, official or employee from accepting their regular compensation.

C) This ordinance does not prohibit the expression of views and opinions or communications of plans for future action, nor does it prohibit contributions to political parties or candidates as permitted by law.

D) This ordinance shall not apply to a City officer, official or employee who in the course of decision making discloses a direct or indirect conflict of interest or potential conflict of interest in any matter before the City Council, advisory board or commission and is permitted to continue participating in the decision making.

E) This ordinance shall not prohibit the city manager, city attorney and all law enforcement officials from exercising their usual power, control and discretion which are part of their duties.

F) This ordinance shall not prohibit the Mayor and city council from making policy decisions, enacting legislation, and directing the affairs of the city in accordance with their legal powers and responsibilities as provided in the City Charter or State statutes.

G) This ordinance shall not be enforced to cause any person to be favored or discriminated against because of race, gender, age, handicap, religion, country of origin or political affiliation.

36.100 INTEGRITY, REPUTATION AND THE ABILITY TO ENFORCE STANDARDS

Preserving the integrity of the City of Bangor is important to all officers, officials and employees of the City. Fairness, honesty, evenhandedness, and sincerity, a kind that transcends both the law and the values of individuals are achieved by observing an overriding set of ethical standards. Integrity is also preserved by recognizing, at times, complaints of questionable actions of City officers, officials and employees and others need to be handled with the same fairness, honesty, evenhandedness and sincerity. A City's reputation and its overall success are securely linked. The City of Bangor's reputation, obviously, is based on more than the collective reputations of its employees and officials. The City's reputation depends on how people perceive that the city, whatever the issue or set of circumstances, will act with integrity. Preserving the integrity of the City may result in official action to enforce and punish violations of the Ethical Standards of Conduct.

1. Controlling Authorities

All matters concerning the Ethical Standards of Conduct shall be directed to one of two controlling authorities depending upon employment status of the person or group involved. The request may be made by the individual or any City candidate, officer, official, or employee. There are two different controlling authorities depending upon whose request, act or action the controlling authority is reviewing.

A) Requests to investigate or take action to enforce the Ethical Standards of Conduct regarding elected and appointed City officers and officials or candidates for elective or appointive office shall go to the Mayor, City Council and City Attorney.

1) Should the request involve a member of the City council, that member shall not be a part of the controlling authority.

B) Requests to investigate or take action to enforce the Ethical Standards of Conduct regarding employees of the City shall go to the City Manager and City Attorney.

1) Should the request involve the City Manager or the City Attorney, the Mayor shall name a replacement to serve on the controlling authority for that request.

2. Authority to Render Advisory Opinions

The above listed authorities may issue written advisory opinions, when deemed appropriate, interpreting the Ethical Standards of Conduct ordinance as set forth herein. Any City officer,

official, employee may seek guidance from the controlling authority upon written request on questions directly relating to the propriety of their conduct as officers, officials and employees. Each written request and advisory opinion shall be confidential unless released by the requester.

3. Authority to Punish Violations

The above listed authorities shall take appropriate action upon any complaint, request for information, or otherwise resolve matters concerning the Ethical Standards of Conduct ordinance for the City of Bangor. Except for direct references that may be provided by City Charter or labor agreements controlling any action either authority above may take or except as either may establish an action that either authority may take, both authorities are herein empowered to take and enforce actions, as they deem appropriate. The appropriate action to be taken in any individual case shall be at the sole discretion of the controlling authority involved which may include but is not necessarily limited to any of the following:

- A) Referral of the matter to a higher authority.
- B) Pursuing further investigation by the controlling authority.
- C) Deeming no action to be required.
- D) Pursuing such other course of action which is reasonable, just and appropriate under the circumstances.
- E) Taking appropriate disciplinary action, including declaring a forfeiture of office and removal from office, appointed position or employment whether or not the removal of office is directly referenced by City Charter or by labor agreement but is referenced by this ordinance.
 - 1) If the violation is for an offense also contained in the City Charter and is one which the Charter determines is punished by removal, the process for removal from office is the same as the process in the City Charter.
 - 2) If the violation is for an offense also contained in labor agreements between the City and its employees, then the process for removal is the same as contained in the labor agreements.
 - 3) If the violation is for an offense contained in this ordinance and for which the controlling authority recommends the forfeiture and removal from office, whether elective, or appointive or from a position as an employee, then the process contained herein is the process that is followed.

4. Advisory Opinions

Any City candidate, officer, official, or employee of the City of Bangor may seek advisory opinions. Advisory opinions may include guidance to any candidate, officer, official, or employee. Request for an advisory opinion shall be made in writing and provide as much detail as possible. The controlling authority may investigate as it deems appropriate and with regard to due process and the rights of individuals as established in State and Federal laws. The controlling authority may take as much time as it deems necessary before rendering its opinion provided that all attempts to satisfy the request in a timely manner are made. The controlling authority shall issue its advisory opinions in writing. The advisory opinion shall be confidential and shall not be released to anyone or any entity unless the person making the request releases the opinion.

36.110 REVIEW PROCESS

1. Determination to Proceed

The controlling authority shall first make a determination to proceed. Any City candidate, officer, official, or employee of the City of Bangor may request that the controlling authority review, investigate and recommend action regarding alleged violations of the City of Bangor Ethical Standards of Conduct ordinance. Such requests shall be in writing. The controlling authority may decide to review, investigate and recommend action regarding alleged violations of the City of Bangor Ethical Standards of Conduct ordinance on their own determination or at the request of other persons. All decisions to review, investigate and recommend action shall first be made in writing.

2. Duty of Due Care

The controlling authority shall be entitled to proceed as it deems necessary and appropriate. The controlling authority shall conduct itself in a manner so as to be thorough, complete and proceed in a reasonable and prudent manner protecting the rights of individuals.

3. Recommendation for Punishment

Any candidate, officer, official or employee, for whom the controlling authority recommends punishment, shall be entitled to a hearing before the controlling authority as herein determined.

- A) The controlling authority shall notify, in writing, the affected candidate, officer, official or employee of the charges that the controlling authority is basing its recommendation of punishment.
- B) The candidate, officer, official or employee shall have the opportunity to a hearing before the controlling authority.
- C) The candidate, officer, official or employee shall notify the controlling authority, in writing, that it wishes to be present at a hearing and whether or not legal counsel will attend as well as any witnesses the candidate, officer, official or employee plans to call.
- D) The hearing shall be scheduled within 30 days of the notification of the recommendation for punishment. The hearing shall be closed to the public unless the candidate, officer, official or employee selects to have the hearing open to the public.
- E) Minutes of the hearing shall be kept and held by the City Attorney for at least 12 months after which they may be destroyed.
- F) Following the hearing, the controlling authority shall decide to:
 - 1) Hold the recommendation for further review and investigation,
 - 2) Amend its previous recommendation and determine punishment,
 - 3) Reject its previous recommendation altogether and take new action or determine to take no punitive action, or
 - 4) Proceed with its previous recommendation and take punitive action.
- G) Any punitive action recommended by the controlling authority shall be forwarded to the City Council which shall vote on the recommendation for punitive action at its next regularly scheduled meeting of the City Council. At that meeting, the City Council, less any member for whom the punitive action is recommended, a majority of those members remaining shall vote to accept, to reject or to send the recommendation back to the controlling authority.

H) If the recommendation of either the controlling authority, as in 36.110, 3, F) 1), or the City Council, as in 36.110, 3, G, is to result in further review and investigation of the controlling authority, the process in 36.110 shall begin anew.

I) If the recommendation of the controlling authority is accepted by the City Council, its effect is binding and immediate and the candidate, officer, official or employee has been deemed guilty of a violation of the Ethical Standards of Conduct ordinance offending all persons, the City Council, boards, and commissions, of the City of Bangor.

36.120 VIOLATIONS OF ORDINANCE

Punitive action recommended by the controlling authority and adopted by the City Council shall be findings of violations of this Ordinance whether or not a court of competent jurisdiction has also found a violation of the Ordinance. While the City Council may find a person or persons guilty of misconduct and take punitive action against the guilty party, including removal of office, only a court of competent jurisdiction may convict a person for violations of this ordinance. Every person convicted of a violation of this ordinance, by a court of competent jurisdiction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by a sentence of not more than 93 days in jail, or both, at the discretion of the court.

36.130 EFFECTIVE DATE

This ordinance shall become effective thirty (30) days after its adoption and publication.

36.140 RECORD OF ADOPTION

This ordinance was voted upon at a regular meeting of the City Council on January 7, 2002.

AYES: P. Wiles, D. Foot, R. Freislinger, M.L. Garcia, N. Johnson

NAYES: R. Sutherby

PRESENTED: December 3, 2001, December 17, 2001 and January 7, 2002

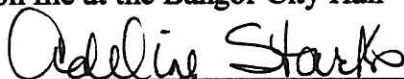
ADOPTED: January 7, 2002

PUBLISHED: January 14, 2002

EFFECTIVE DATE: February 15, 2002

CERTIFICATION

I, Adeline Starks, the duly appointed Clerk of the City of Bangor, do hereby certify that the above is a true and exact copy of a Resolution, passed by the Bangor City Council, on January 7, 2002, the original of which is on file at the Bangor City Hall



Adeline Starks, City Clerk

VERDONK, VERDONK & DiSTEFANO*Attorneys and Counselors at Law*JOHN W. VERDONK
DAVID J. DISTEFANO228 West Monroe Street
Bangor, Michigan 49013
Telephone (616)427-5601
Facsimile (616)427-7267JOHN H. VERDONK
OF COUNSEL

e-mail address: verdonkanddistefano@cybernet.com

MEMO

TO: Larry Nielson, City Manager

FROM: David J. DiStefano, City Attorney


DATE: December 6, 2001

RE: Ethical Standards of Conduct

I believe the Ordinance is appropriate and would fill the void left by our Charter and State statutes that do not specifically address ethical conduct. I have no changes to suggest with the same and would support adoption of same.

Sincerely,

VERDONK, VERDONK & DISTEFANO


David J. DiStefano

DJD/psh

**CITY OF BANGOR
ACKNOWLEDGEMENT OF ORDINANCE #258 - CODE OF ETHICS**

I. Purpose

This form affirms that I, as a member of the City of Bangor City Council, have completed the **annual review** of Ordinance #258 - Code of Ethics. By signing, I acknowledge my understanding and agreement to abide by the principles and guidelines set forth in the ordinance.

II. Statement of Acknowledgement

By signing this form, I acknowledge the following:

1. I have received and reviewed the current version of Ordinance #258 - Code of Ethics.
2. I understand the content and importance of the ordinance in maintaining public trust and ethical governance.
3. I agree to abide by the ethical standards, responsibilities, and expectations outlined in the ordinance throughout my term of service.
4. I recognize that this review and affirmation will be conducted annually to ensure continued adherence to these principles.

III. Affirmation

I understand that adherence to the Code of Ethics is a fundamental responsibility of my position, and I commit to upholding its principles to the best of my ability.

Signature: _____

Print Name: _____

Date: _____

For Office Use Only:

Received by: _____

Date Received: _____



CITY COUNCIL AGENDA FACT SHEET

To: Mayor Farmer, Pro Tem Martinez-Serratos, Councilmember Rivers, McCrumb, Garcia, Muenzer and Uplinger

CC: Justin Weber, City Manager

From: Shelly Umbanhowar, Clerk

CC: Stephenie Cagle, Treasurer

Subject: Importance of Adopting Rules of Procedure for City Council Meetings

Date: 01/02/25

Council Information:

Dear Council Members,

As stewards of transparent and effective governance, it is essential that we establish and adhere to formal **Rules of Procedure** for City Council meetings. These rules provide a clear framework for how meetings are conducted, ensuring consistency, order, and fairness while fostering public confidence in the decision-making process.

Why Rules of Procedure Matter:

- 1. Promotes Efficiency:**
Rules streamline meeting operations, helping to manage time effectively and ensure all agenda items are addressed in an orderly manner.
- 2. Ensures Fairness:**
Establishing guidelines guarantees that all members of the Council, as well as the public, have equal opportunities to participate and be heard.
- 3. Encourages Transparency:**
Clear procedures build public trust by demonstrating accountability and professionalism in conducting city business.
- 4. Facilitates Conflict Resolution:**
Rules provide a consistent mechanism for resolving disputes or addressing disruptions during meetings, maintaining focus on the agenda.
- 5. Complies with the Charter:**
The **City Charter requires that the Council establish its own Rules of Procedure.** Adopting and adhering to these rules aligns with our legal responsibilities and reinforces our commitment to good governance.

Rules for Livestreaming:

With the upcoming implementation of **livestreaming City Council meetings**, the need for clear and comprehensive Rules of Procedure is even more pressing. Livestreaming introduces a new

level of transparency, but it also requires additional considerations to ensure meetings run smoothly:

- **Management of Public Comment:** Rules should clarify the process for public participation in meetings that are live-streamed, including time limits and decorum.
- **Technology Guidelines:** Establish protocols for handling technical difficulties during livestreams and ensuring meeting continuity.
- **Privacy Considerations:** Define policies around recording and publishing meeting content to protect sensitive information and comply with legal standards.
- **Behavior Expectations:** Set clear guidelines for both Council members and the public to maintain professionalism and order during live-streamed meetings.

Council Action:

- **Adopt New Rules:** We currently have no formal rules, the Council should adopt a comprehensive set of procedures tailored to our City's needs, including those related to livestreaming.
- **Provide Training:** Once adopted, all Council members, staff, and relevant personnel should familiarize themselves with the rules to ensure consistent application during meetings.

By adopting and adhering to formal Rules of Procedure, the Council demonstrates its dedication to professionalism, equity, and transparency in serving the residents of Bangor. Livestreaming provides an exciting opportunity to enhance engagement, and having rules in place will ensure its success.

Thank you for your attention to this important matter. Please let me know if you require additional information.

Please review prior to the 01/06/25 meeting. If you have edits, you can either send to the Clerk prior to the meeting or give them at the 01/06/25 meeting.

- If there are no edits and each Council Member agrees with the presented Rules of Procedure for the City Council they can be formally adopted at the 01/06/25 meeting.



RULES OF PROCEDURE FOR THE CITY COUNCIL CITY OF BANGOR, MICHIGAN

Adopted: January 6, 2025

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1. AUTHORITY

Legal Citations. These rules of procedure for the conduct of City Council meetings are hereby adopted by the City of Bangor City Council under the authority of Chapter VII, Section 7.8 of the City of Bangor City Charter. These rules are subordinate to the City Charter, Code of Ordinances, and laws of the State of Michigan and the United States of America.

2. APPOINTMENT OF MAYOR PRO TEM

(Pursuant to City Charter Chapter V, Section 5.21 (a):

The selection of Mayor Pro Tem shall occur at the first meeting of the Council following each City election, the Council shall organize and elect one of its members to the office of Mayor Pro Tem.

3. DESIGNATION OF ACTING MAYOR

In the absence or disability of the Mayor and the Mayor Pro Tem, the Council Member present who has served longest shall be designated Acting Mayor and shall perform the duties of the Mayor.

4. CODE OF ETHICS

The City Council Ordinance No. 258 Ethical Standards of Conduct shall be reviewed in June of each calendar year, and all City Council members shall agree to abide by the City Council Standard of Conduct, and shall evidence this agreement by affixing their signature to a written copy of the Ethical Standards of Conduct at the earliest opportunity, and providing a copy to the City Clerk.

5. MEETINGS OF THE CITY COUNCIL

REGULAR MEETINGS

The City Council shall meet regularly at least twice (2) each month. Regular meetings shall be held in the Council Chambers at 7:00 P.M. Pursuant to the Michigan Open Meetings Act, before the end of each calendar year, the City Council shall approve by resolution its regular meeting schedule for the ensuing calendar year.

PLACE OF MEETINGS

All regular and special meetings of the City Council shall be held in the City Council Chambers in the City Hall unless otherwise stated in the meeting notice.

CHANGES IN MEETING SCHEDULE

Changes in the regular meeting schedule may be made with the approval of a majority vote of the City Council and will be properly noticed in accordance with the Michigan Open Meetings Act.

PUBLIC NOTICE OF MEETINGS

The City Clerk shall post a notice of the regular meeting schedule for the ensuing calendar year at the City Hall and in accordance with the Michigan Open Meetings Act. The City Clerk shall post notices of special meetings and public hearings at the City Hall and in accordance with the City Charter and the Michigan Open Meetings Act.

SPECIAL MEETINGS

A. CALLING OF SPECIAL MEETINGS

(Pursuant to City Charter Chapter VII, Section 7.4):

Special meetings shall be called by the Clerk on the written request of the Mayor, or any three (3) members of the Council on at least twenty-four hours written notice to each member of the Council, served personally or left at his usual place of residence; but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

B. DOCUMENTATION:

Special meetings shall be exclusively limited to items specifically referenced in the Call of the Meeting.

- **Special Meeting Posting:** Pursuant to City Charter a printed meeting notice for each specially called meeting shall contain the items indicated in the written notice calling the meeting.
- **Study Session (Special Meeting) Agenda and Posting:** Study Session Agendas shall contain the items as indicated in the motion calling the meeting.

C. POSTING AND DELIVERY:

Special Meeting Calling Notice and/or Agenda shall be personally delivered to each Council Member and posted for public display at least twenty-four (24) hours in advance of the meeting.

D. ORDER OF BUSINESS:

At each Study Session (Special Meeting) of the Council, the business to be considered shall include the items listed and in the following order:

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

- 1) Listing of Council Members
- 2) Excuse Absent Council Members pursuant to Section 6.2.

D. Public Comment Agenda Items Only

E. Items as Indicated in the Motion Calling of the Meeting

F. Items Not Indicated in the Motion Call the Meeting (Pursuant to City Charter Section 4.2):

- 1) Special meetings are limited to what is expressly indicated in the Call of the Meeting (Motion of Council or written notice), except as set forth below.

G. Amendments/Additions to Agenda (Pursuant to City Charter Section 7.5):

In order for City Council to address items at a Special Meeting that are in addition to the Items expressly indicated in the Call of a Special Meeting, all members of City Council must consent to the requested addition(s) in writing and all Council members present at the Special Meeting must consent.

H. Public Comment Non-Agenda Items Only

I. Council Member Comments

J. Adjournment

6. AGENDA

- A. Regular Meeting Agenda:** A printed agenda for each regularly scheduled meeting shall be produced at least forty-eight (48) hours in advance of the meeting. Every item of business to come before the Council shall be filed with the City Clerk by noon on the Wednesday preceding the Monday on which the Council meets. It shall be the duty of the City Clerk to have delivered, as soon as practical, to each member of the Council a complete agenda of the items to be considered at the following meeting. Each item on the agenda shall have sufficient explanation to indicate its intent. All items introduced by the City Council members that do not meet the Wednesday noon deadline will be referred to a later meeting, except by suspension of these rules. A packet, excluding all confidential items, will be posted on the City's Website at least 48 hours prior to Council meetings.
- B. Closed Session Agenda:** Where a Closed Session is requested for a pending case pursuant to MCL 15.268 (e), the specific name(s) of each case is to be identified in the Notice, even though the specific name(s) is not technically required under the Open Meetings Act. Where a Closed Session is requested for any collective bargaining unit discussion pursuant to MCL 15.268 (c), the specific bargaining unit is to be identified pursuant to MCL 15.268 (c), even though not technically required under the Open Meetings Act.

7. ORDER OF BUSINESS

At each Regular meeting of the Council, the business to be considered shall be taken up for consideration and disposition in the following order:

- A. **Call to Order**
- B. **Pledge of Allegiance**
- C. **Roll Call**
 - 1) Listing of Council Members
 - 2) Excuse Absent Council Members pursuant to Section 6.2
- D. **Approval of Agenda**
- E. **Consent Agenda Items**
 - 1) Approval of "E" Items NOT Removed for Discussion
 - 2) Address of "E" Items Removed for Discussion
- F. **Public Comment for Items On the Agenda**
- G. **Regular Business** (Resolutions, Appointments, and Presentations)
 - 1) Department Head Reports (Second Meeting of Each Month)
- H. **Postponed Items**
- I. **Unfinished Business**
- J. **New Business**
- K. **Public Comment for Items Not on the Agenda**
- L. **Council Referrals** - Items appearing under Council Referrals are items intended for City Council action that are brought forward by the Mayor or Council Members in accordance with Chapter VI, Section 6.13.
- M. **Council Closing Comments** - Items for the good of the order brought forward by Mayor and Council.
- N. **Closed Session**
- O. **Return to Open Session**
- P. **Adjournment**

8. CABLE CASTING OF CITY COUNCIL MEETINGS

All City Council Meetings will be broadcast live on YouTube, with the exception of Closed sessions and Council retreats.

ATTENDING PUBLIC CABLE CASTING OF CITY COUNCIL MEETINGS

The right of a person to attend a meeting of a public body includes the right to tape-record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings of a public body at a public meeting. The exercise of this right does not depend on the prior approval of the public body. However, a public body may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting. MCL Section 15.263, Sec. 3, (1)

ATTENDING PUBLIC RULES FOR PUBLIC WHEN CABLE CASTING

Any person, group, company, or organization that wishes to record, videotape, broadcast live on radio or telecast live on television a public meeting shall be subject to the following rules and regulations:

- Video or television cameras that are used for purposes of recording or broadcasting live reports from the City Council Chambers shall remain, at all times, at the rear of the City Council Chambers unless prior approval of the City Council, City Manager, or City Clerk has been obtained to place said video or television cameras in a different location. The location of the video or television cameras shall not interfere in any way with the City of Bangor's equipment or telecast.
- All audio or video equipment shall be prohibited from being placed, attached, connected or in any way joined to the existing cable television equipment operated by the City of Bangor in the City Council Chambers. All such audio or video equipment shall be completely self-supportive and shall not be allowed to use any electrical power of the City or placed on Council Chambers meeting table.
- No Obstruction of Views:
 - Recording devices, including cameras and phones, must not obstruct the view of other attendees, City Council members, or staff.
- Clear Aisles:
 - Recording equipment or individuals recording must not block aisles or designated pathways, as these areas must remain clear for safety and accessibility.
- Unimpeded Pathways:
 - Pathways leading to and from seating, exits, or other areas of the meeting space must not be blocked by recording equipment or individuals.
- Placement of Equipment:
 - Tripods, monopods, or other recording equipment must be placed in areas designated for such use, if applicable, or in a manner that complies with the above guidelines.
- Compliance with Staff Requests:
 - Attendees recording the meeting must comply with any requests or instructions from City staff or officials to relocate or adjust equipment to maintain order, safety, and accessibility.

Failure to adhere to these rules may result in being asked to reposition equipment or cease recording to ensure compliance.

- Interviews of interested parties shall be prohibited in the City Council Chambers and adjacent hallways during the time meetings are in session.
- Only television, videotape, photographic and audio equipment that does not produce distracting sound or light shall be utilized to cover public proceedings.

Any person who fails or refuses to comply with any rule promulgated by these guidelines, after being appraised of such non-compliance by the City Manager or designee, shall be deemed to have committed a breach of the peace and shall be subject to removal of their audio/video/photographic equipment from the City Council Chambers and adjacent hallways.

EDITING POLICY

- **Public Meetings:** Any public meeting cablecast shall not be edited or subject to editorial comment. Meeting coverage shall be from gavel to gavel. Supplementary information on agenda items that will aid the viewer in understanding the issues may be provided. Cable-casting of public meetings shall be performed with no commentary whatsoever. Let it also be noted that in the event that a meeting goes beyond the length of a tape, it is upon the discretion of the videographer whether or not to begin a second tape for said meeting.
- **Departmental Programs:** Any program prepared by or provided by an individual city department shall be subject to review and consideration for channel use in accordance with this operational policy. Such review shall be conducted by the City Manager or designee.
- **Bulletin Board:** Message capabilities will be disabled for all videos.
- **Errors:** The City of Bangor and its employees shall not be liable for any inaccuracy or incorrect information being displayed or used on the system.
- **Promotions:** Promotional announcements for City-sponsored events and for events held in City facilities shall be acceptable for cablecasting. Promotional announcements for events, charities, or outside organizations, in which the City has no official interest or sponsorship shall be allowed with the consent of the City Council and/or the City Manager. Any questions regarding the appropriateness of an announcement or any change to existing policy, shall be reviewed by the Communications Director and the Communications Commission and a recommendation for action forwarded to the City Council for final action
- **Use of City Equipment:** Use of City-owned equipment shall be limited to City employees or City Manager who have had prior training in the proper operation thereof. Loaning of equipment for personal use is not authorized.

9. MINUTES

A. **Minutes:** The minutes will be distributed to the Council prior to their approval. The minutes will be placed on the Consent Agenda for approval.

Closed Session Minutes: City Council will approve closed session minutes at the meeting after which they were conducted. Each Council Member will receive a numbered (1-7) paper copy for review at the meeting they are to be approved and will promptly return to the Clerk for sealing. The closed session minutes will reflect only the reason for the closed session (in compliance with Open Meetings Act, Act 267 of 1976), the date, the

starting and ending time and the persons in attendance.

A journal of the proceedings of each meeting of the City Council shall be prepared and maintained by the City Clerk, and shall be available to the public, in accordance with the Michigan Open Meetings Act. The minutes shall be summary in nature but shall properly record all actions of the City Council with respect to motions, including the name of the maker of the motion, the member seconding the motion, and the result of the vote. The City Clerk shall not be required to maintain a written record of discussion or comments of the City Council or members of the public made at council meetings unless directed to do so by a majority vote of the City Council. If a member of the City Council is permitted to abstain from a vote in accordance with Sec. 13, the abstention shall be recorded in the meeting minutes together with the reason for abstention. The City Council shall make any corrections to the minutes at the next meeting after the meeting to which the minutes refer. The corrected minutes shall show both the original entry and the correction.

10. PROCLAMATIONS

Proclamations, which are formal public announcements made by City Council, shall be included in the agenda under Other Regular Business and may be brought before Council or City Administration for consideration by any member. Proclamations will be placed on the Agenda for approval and may include a presentation listed under *Other Regular Business*.

11. QUORUM FOR CONDUCT OF BUSINESS

Four (4) members of the City Council shall constitute a quorum for the conduct of business at all meetings.

12. VOTING DUTY

Whenever a question is called by the Chair, every member of the City Council shall vote on that question by a verbal aye or nay vote, or a roll call vote as called by the City Clerk. A roll call vote shall be made to call for a Closed Session, or at any other time required by law. No member shall abstain from voting unless that member states a bona fide conflict of interest. Conflict of interest shall be the only reason for a request to abstain from voting. The City Council shall, by a majority vote of the remaining members, determine if the member will be allowed to abstain from such vote. A majority vote of the entire membership of the City Council shall be necessary to approve any action of the City Council unless otherwise required by law.

13. RECONSIDERATION OF QUESTIONS

A motion to reconsider any vote of the Council may be made by either side of the voted motion and shall require the affirmative vote of the majority of the Council Members elect. If such a motion to reconsider passes, and new information has been brought forward, then any member of Council may move to take action on the motion that is to be reconsidered, and any such motion would pass by an affirmative vote of the majority of the Council Members elect.

14. WITHDRAWAL OF MOTIONS PRIOR TO VOTING

Any motion may be withdrawn by its maker prior to voting. A motion to withdraw must receive a second and the affirmative vote of the majority of the Council Members present.

15. PUBLIC HEARING

Public Hearings will be held after 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 City Council elects to continue the Public Hearing it will appear in the designated meeting Agenda under the topic of "Public Hearings".

16. CONSENT AGENDA

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may ask a question regarding an item as well as speak in opposition to the recommended action by removing an item from the Consent Agenda and having it considered as a separate item. Any item so removed from the Consent Agenda shall be considered after other items on the consent portion of the agenda have been heard. Public comment on Consent Agenda Items will be permitted under Agenda Item F.

17. APPOINTMENTS

A. Appointments to Boards, Commissions and Committees:

The Mayor shall, with City Council concurrence, appoint members of Boards or Committees as governed by State Statute or local ordinances.

The Mayor or any Council Member desiring to nominate a person for appointment to a Board, Commission, or Committee shall at the meeting prior to the appointment, submit such name, for nomination. A brief summary of background and personal data as to nominee's qualifications should be presented at the time of nomination, except that such a resume shall not be required for the re-nomination of a current member, or if the Council unanimously agrees that a resume is not necessary. Resumes will be submitted on or before the time of nomination.

Nominations will occur during any regular meeting of the Council. A resolution to nominate will be considered during the "Regular Business" of the agenda. All nominations are subject to Section "B" which appears below.

B. Method of Voting on Nominees:

- 1) Where the number of nominees does not exceed the number of positions to be filled, a roll call vote shall be used.
- 2) Where the number of nominations exceeds the number of positions to be filled, voting shall take place by the City Clerk calling the roll of the Council and each Council Member is to indicate the names of the individuals he/she wishes to fill the vacancies
- 3) When no candidate receives a majority vote, the candidate(s) with the least number of votes shall be eliminated.
- 4) Persons nominated, but not appointed during this process will be sent a letter thanking them for their willingness to serve the community.
- 5) Recognition will be given to persons who have concluded their service to the community on Boards and Commissions.

18. MEMBERS OF THE PUBLIC AND VISITORS

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. ***NOTE TO THE PUBLIC:*** *City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.*

- Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any Public Hearing item.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes total to address Postponed, Regular Business, Consent Agenda or Study items or any other item on the Agenda as permitted under the Open Meetings Act during the Public Comment for Items On the Agenda portion of the Agenda.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any topic not on the Agenda as permitted under the Open Meetings Act during the Public Comment for Items Not on the Agenda portion of the Agenda.
- All members of the public who wish to address the Council at a meeting shall be allowed
- to speak only if they have raised their hand during the appropriate public comment time and wait to be called on by the Chair. If the speaker is addressing an Item (or Items) that appear on the pre-printed agenda, then the speaker shall also identify each such agenda item number(s) to be addressed.
- City Council may waive the requirements of this section by a majority vote of the City Council members.
- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a Special meeting for that specific purpose.

Prior to *Public Comment for Items On the Agenda*, the Mayor will provide a verbal notification of the rules of decorum for City Council meetings. In addition, the written Agenda Packet will include the following language, as approved by City Council:

The audience should be aware that all comments are to be directed to the Council rather than to City Administration or the audience. Anyone who wishes to address the Council is required raise their hand and what to be called on by the Chair. There are two Public Comment portions of the Agenda – one for Item(s) On the Agenda Only and one for any item(s) not on the Agenda. Also, there is a timer on the wall behind the public area. It will be started once a speaker starts talking and will beep when the time is up.

In order to make the meeting more orderly and out of respect, please do not clap during the meeting, and please do not use expletives or make derogatory or disparaging comments about any one person or group. If you do so, then there may be immediate consequences, including being asked to leave the meeting and/or the deletion of speaker comments for any re-broadcast of the meeting. Speakers should also be careful to avoid saying anything that would subject them to civil liability, such as slander and defamation.

Please avoid these consequences and voluntarily assist us in maintaining the decorum befitting this great City.

19. POSTPONE

A motion to postpone may be made for a definite period of time. Items will automatically appear on the appropriate agenda.

20. RULES OF ORDER

Robert's Rules of Order, current edition, as clarified by the City Clerk, is hereby adopted and made a part hereof, except as modified by these Rules of Procedure, the Charter, and the City Code.

21. MISCELLANEOUS EXPENSES

Reasonable and necessary expenses incurred in service on behalf of the City shall be paid for the Mayor and Council, provided that at the end of each month a detailed expense report is submitted and approved by the City Council.

22. EXPENSES: OUT-OF-TOWN TRAVEL FOR CITY BUSINESS

- A. Funds providing for Council representation at State and National conferences sponsored by affiliations of cities will be annually approved in the budget for the subject fiscal year. The City Council will by advance resolution grant authorization for out of town travel to specific places, for conference purposes. Members of the City Council will submit expense vouchers exceeding \$50.00 per day to attend out-of-town meetings and conferences, with additional allowances being made for transportation (paid at the air coach rate, City pool car, City Vehicle rental rate, or gas mileage at current IRS guidelines, depending upon the mode of transportation) and lodging. Expenses may be authorized for payment by the City Manager, and a copy of the expense report form will be placed on the Council agenda under Reports and Communications.
- B. Detailed and receipted expenses, not to exceed \$150.00, to attend legislative committee hearings, legislative meetings, etc., may be authorized for payment by the City Manager without prior authorization by the Council, and a copy of the expense report form, along with receipts, will be placed on the Council agenda under Reports and Communications.

23. ABSENCES AT COUNCIL MEETINGS

- A. Council members who are unable to attend a Council meeting and desire an excused absence shall notify the City Manager, City Attorney or City Clerk of their absence in writing prior to the meeting and indicate the reason for the absence. The reason shall be entered in the proceedings of the Council at the time of each absence.
- B. In the event of an absence of a Council member at a meeting, the City Manager is directed to supply such absent Council member with information about any special meetings that may have been scheduled.

24. SUSPEND RULES

The Rules of Procedure may be waived by a simple majority.

25. COUNCIL DISCUSSION

No member of Council shall speak a second time on any item under discussion until all other members desiring to speak on that item have been heard. No member of Council shall be allowed to speak for more than five (5) minutes at a time.

26. AGENDA ITEMS SUBMITTED BY COUNCIL MEMBERS

Mayor and Council Members submitting an agenda item that calls for a vote shall send the item to the City Manager in a timely manner in writing. Staff professional opinion may be written to accompany the item. Rule 17 would govern, limiting any presentations to 15 minutes.

27. VIDEO AND AUDIO PRESENTATIONS

Video and Audio Presentations may not be submitted for presentation at a Council meeting unless submitted to the Bangor City Clerk by noon on the day of the meeting. Inappropriate material will be prohibited.

28. VIOLATIONS

The City Clerk shall be responsible for reporting violations of time limitations or speaking sequence to the Chair.

29. WIRE COMMUNICATIONS BY AND TO COUNCIL MEMBERS DURING ANY MEETING OF COUNCIL

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.

30. AMENDMENTS TO COUNCIL RULES OF PROCEDURE

Procedure for Amending Rules. Any member of the City Council may request that the City Council Rules of Procedure be amended by submitting such request in writing to the City Manager together with the specific change being recommended. The City Manager shall submit the request to the City Council at the council's next regularly scheduled meeting by placement of the request on the council's Action Items agenda. A majority vote of the council shall be necessary to approve any amendment to the rules of procedure. Upon approval, the City Clerk shall revise the rules of procedure and provide a copy of the revised rules to each member of council and to the City Manager not later than the next regularly scheduled meeting of the council after approval of the amendment.



CITY COUNCIL AGENDA FACT SHEET

To: Mayor Farmer, Pro Tem Martinez-Serratos, Councilmember Rivers, McCrumb, Garcia, Muenzer and Uplinger

CC: Justin Weber, City Manager

From: Shelly Umbanhowar, Clerk

CC: Stephenie Cagle, Treasurer

Subject: Agenda Item 13 a.

Date: 01/02/25

Council Information:

City Attorney Graham requested to City Manager Weber that this item be added to the agenda: 'Closed Session for Legal Advice'. No further information is available for the packet regarding this item.

Council Action:

City Attorney Graham will discuss at the 01/06/25 council meeting during Closed Session, 13a.