

City of Marquette, MI



Meeting Agenda City Commission

**Monday, January 10, 2022
6:00 PM
Commission Chambers**

300 West Baraga Ave
Marquette, Michigan 49855

Call to Order, Pledge of Allegiance and Roll Call

Approval of the Agenda

Announcements

Boards and Committees

1. Appointment
Nathan Williams, Planning Commission, for an unexpired term ending 02-15-24
2. Reappointment
Scott Krah, Marquette County Transit Authority, for a term ending 12-31-24

Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.

Presentation(s)

3. Board of Review, by Steve Lawry
4. **Consent Agenda - Roll Call Vote**
 - 4.a. Approve the minutes of the December 20, 2021 regular Commission meeting
 - 4.b. Approve the total bills payable in the amount of \$1,132,289.23
 - 4.c. Noquemanon Trails Network - Grooming Permit
 - 4.d. Noquemanon Trails Network - NMU Trail Grooming Permit
 - 4.e. State Right-of-Way Permits - Roll Call Vote

New Business

5. City Commission Rules of Procedure #2003-01

Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.

Comments from the Commission

Comments from the City Manager

Adjournment

Kyle Whitney, City Clerk

If you require assistance to participate in any meeting, program or activity offered by the City of Marquette, please provide advanced notice to City of Marquette ADA Coordinator Eric Stemen at 906-225-8978 or via email at estemen@marquettemi.gov.

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 1/10/2022

Consent Agenda - Roll Call Vote

Approve the minutes of the December 20, 2021 regular Commission meeting

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Dec. 20 minutes



City of Marquette, MI

300 West Baraga Ave
Marquette, Michigan 49855

Meeting Minutes City Commission

Monday, December 20, 2021
6:00 PM
Commission Chambers

Call to Order, Pledge of Allegiance and Roll Call

Present: Bonsall, Davis, Hanley, Hill, Mayer, Smith, Stonehouse

Approval of the Agenda

Commissioner Evan Bonsall moved to Move Item 3.f from the Consent Agenda to New Business and to then approve the amended agenda, seconded by Mayor Pro Tem Cody Mayer and Carried Unanimously.

Announcements

Mayor Smith announced that the glass recycling program has changed and that all glass recycling will now be handled through drop-off locations at the Municipal Service Center and Waste Management, rather than via curbside pickup.

Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.

Margaret Brumm said she thinks the Commission should request an audit on the JCI project.

Patti Clancy thanked the Commission for their consideration of the climate resolution.

Karen Schmidt also thanked the Commission for the consideration of the climate resolution, and she discussed the need for, and importance of, the resolution.

Presentation(s)

1. Local Officers Compensation Commission, by Chair Susan Tollefson

LOCC Chair Sue Tollefson presented an update on the activities of her board, which makes recommendations for the compensation of local elected officials. She said the board meets very infrequently and doesn't require a huge investment of time, and she urged people to apply to serve, as several members will be terming out in the near future.

2. Johnson Controls Update, by Ron Stimac

Ron Stimac and George Roush, from Johnson Controls, offered an update to the City Commission on the JCI project. The pair highlighted the City's decreased energy usage and plans for the future, and discussed the state of the City's AMI

water meter project. There was discussion about finding a better way to categorize some of the project's impacts and how to best compare Marquette's energy performance against other municipalities.

3. Consent Agenda

Commissioner Fred Stonehouse moved to Approve the Consent Agenda as presented, seconded by Commissioner Sally Davis and Carried Unanimously.

3.a. Approve the minutes of the December 13, 2021 Commission work session

3.b. Approve the minutes of the December 13, 2021 regular Commission meeting

3.c. Approve the total bills payable in the amount of \$792,497.01

3.d. Attorney Consulting Agreement

3.e. Equipment Replacement Lease - Switches

3.f. Noquemanon Ski Marathon Trail Access Permit

3.g. Senior Services - Master Agreement to Purchase Services

3.h. Water Filtration Membrane Purchase

3.i. WE Energies Ash Haul Road Relocation Agreement

New Business

4. National Opioids Settlement

Commissioner Evan Bonsall moved to Approve authorize the City of Marquette to opt in to the National Opioids Settlement, seconded by Commissioner Jenn Hill and Carried Unanimously.

5. Climate Action Resolution - Roll Call Vote

Commissioner Jenn Hill moved to Approve the Climate Action Resolution, seconded by Commissioner Jessica Hanley and Carried Unanimously.

6. Local Development Agreement - MDM Hemlock, L.L.C.

Mayor Pro Tem Cody Mayer moved to Approve suspending the rules for discussion, seconded by Commissioner Jessica Hanley and Passed.

This motion carried 6-1 with Commissioner Stonehouse voting no.

Mayor Pro Tem Cody Mayer asked a handful of questions of representatives from the Veridea Group, including what would happen if the City didn't agree to the development agreement and associated costs. Veridea Group President Robert Mahaney said there would be housing on this site regardless, but that without the

development agreement, the project would like quite a bit different. Commissioners and Mr. Mahaney discussed project timeline, unit cost, a need for local housing stock, utility infrastructure and similarly structured local projects. Some Commissioners raised concerns about the cost of the proposed units, the impact to the City from the development agreement and the fact that suggestions made by Commissioners during the work session on this topic had not been incorporated into the agreement. Commissioner Stonehouse noted the positive impact that could be felt from adding this much housing stock, and said this project could lead to a very positive tax benefit for the City.

Commissioner Sally Davis moved to Approve the Local Development Agreement as presented, direct the Mayor and City Clerk to sign the agreement and amend the budget and Capital Improvement Plan to reflect the inclusion of this project in Fiscal Year 2022, seconded by Commissioner Fred Stonehouse and Passed.

This motion passed 4-3, with Commissioners Bonsall and Hanley and Mayor Pro Tem Mayer voting no.

Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.

Margaret Brumm said the Commission did a good job tonight and asked a lot of good, important questions. She offered verbal awards to a handful of community members for community contributions made in 2021.

Ryan Stock thanked the Commission for action on the climate resolution.

Tyler Penrod also thanked the Commission for support of the climate resolution.

Mike Smith of the U.P. Construction Council said it doesn't sound like the MDM Hemlock development that was approved tonight will create much of a benefit for local labor, but that he hopes it will.

Brian Kerrigan echoed these sentiments.

Comments from the Commission

Commissioner Bonsall thanked everyone in attendance tonight and said he was excited by the climate resolution. He said he voted no on the MDM Hemlock project due to questions of affordability, but that he hopes the development is successful.

Commissioner Davis wished everyone a happy holidays and a Merry Christmas.

Commissioner Hanley wished everyone a happy holidays and urged those traveling to take a rapid test prior to their trip.

Mayor Pro Tem Mayer spoke about the impacts of COVID and about the need to do everything we can to get the pandemic under control.

Commissioner Hill talked about the process used by the Commission when considering items and projects and said she would encourage consideration of a more complete process.

Commissioner Stonehouse wished everyone a Merry Christmas.

Mayor Smith said people should check out the laser light display on side of the Lower Harbor the ore dock; these presentations will take place from 6 to 9 p.m. on Thursdays through Saturdays for the next few weeks. She said Merry Christmas and reminded everyone that the next meeting is Jan. 10.

Comments from the City Manager

City Manager Karen Kovacs had no comments.

Adjournment

Mayor Smith adjourned the meeting at 8:39 p.m.

Jennifer A. Smith, Mayor

Kyle Whitney, City Clerk

If you require assistance to participate in any meeting, program or activity offered by the City of Marquette, please provide advanced notice to City of Marquette ADA Coordinator Eric Stemen at 906-225-8978 or via email at estemen@marquettemi.gov.

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 1/10/2022

Consent Agenda - Roll Call Vote **Noquemanon Trails Network - Grooming Permit**

BACKGROUND:

The Noquemanon Trails Network Council (NTN) has requested the City Commission grant a permit for the NTN to groom the pedestrian corridor for snow bikes. The permit would allow the NTN to conduct snow grooming activities between 7:00 a.m. and 7:00 p.m. October 1, 2021 through September 30, 2024. The area groomed would be the old railroad grade adjacent to Lakeshore Boulevard beginning at Ohio Street and ending near the road bridge on County Road 550. The grooming would be conducted using a snowmobile and tow-behind groomer or stand-up unit, both owned and operated by the NTN.

Having this path groomed allows snow bikers, walkers and classic skiers to have a snow covered alternative to the bike path throughout the winter. This would be the fourth grooming permit for this route.

FISCAL EFFECT:

All costs would be covered by the NTN.

RECOMMENDATION:

Approve the permit with the Noquemanon Trails Network Council to allow grooming activities on the pedestrian corridor, and authorize the Mayor and Clerk to sign the permit.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Permit and Insurance
- ▣ Exhibit A

NOQUEMANON TRAILS NETWORK COUNCIL (NTN) PERMIT
PEDESTRAIN CORRIDOR

The City of Marquette (City), a Michigan municipal corporation, of 300 W. Baraga Avenue, Marquette, MI 49855, grants Noquemanon Trails Network Council (NTN), a Michigan non-profit corporation, of 401 E. Fair Street, Marquette, MI 49855, permission to perform trail preparation and maintenance of a non-motorized recreational trail located in the City and commonly known as the Pedestrian Corridor, as shown on the attached Exhibit A, subject to the following terms and conditions:

1. Permission is granted to access the property for trail preparation, maintenance and grooming of a non-motorized recreational trail only.
2. The City makes no warranty as to the condition of the real property (Premises) upon which the Pedestrian Corridor is located.
3. NTN agrees to indemnify and hold harmless the City, its officials, officers, employees, agents and assigns from any and all liens, claims, charges, liabilities, and/or damages for acts of commission, omission, or negligence on the part of NTN, NTN's subcontractors, or NTN's agents and employees, arising or growing out of the performance of NTN's trail preparation, maintenance and grooming of the Pedestrian Corridor.
4. NTN specifically agrees to assume all risks associated with trail preparation, maintenance and grooming of the Pedestrian Corridor.
5. This trail is for non-motorized recreation only. NTN will use signage and other aids as appropriate to help prevent unauthorized use. NTN may use motorized equipment to perform trail grooming and maintenance as needed.
6. Access is granted only to the Premises noted on the attached map.
7. Permission is granted to maintain a trail sixteen feet (16') in width as shown on the highlighted section of the attached map. Any materials removed for the maintenance of the trail, including timber, is to be removed in accordance with local ordinances and permission of the City by NTN at NTN's cost. Any merchantable timber removed, as determined by the City representative, will remain the possession of The City. Trail preparation, maintenance and grooming of the Pedestrian Corridor shall only take place between the hours of 7:00 a.m. and 7:00 p.m.

8. NTN is to leave the condition of the Premises in the same or better condition as it was before entering the Premises for trail preparation, maintenance and grooming.

9. There will be no interference by NTN and/or NTN's contractors or agents with any of the City's operations on the Premises. It is further agreed that access by the City to the Premises shall be maintained at all times.

10. NTN agrees that there shall be no impairment of natural or of installed drainage facilities occasioned by the aforementioned use of the Premises. NTN may repair drainage aids and bridges or restore areas to their historic condition.

11. The permission herein granted shall be from October 1, 2021 through September 30, 2024. The City and the NTN each have the right to cancel and terminate this agreement at any time and for any reason by providing written notice to the other; and upon notice of such cancellation or termination NTN will immediately cease to use the Premises.

12. NTN shall, in the use and occupancy of the Premises, comply with all laws, ordinances, rules and regulations of the City.

13. NTN shall submit for review any publication referencing the City and the Premises. NTN shall make all reasonable efforts to give favorable publicity to the City and its role in the listed trail as approved by the City.

14. It is understood by the parties that this agreement falls under the provisions of The State of Michigan Recreational Use Act, MCL §324.73301. Under this statute, so long as the landowner does not receive valuable consideration for the use of its property, the landowner is not liable for injuries to a person using the land for recreational or trail use. The City, as the landowner, will receive no valuable consideration in exchange for any terms under this agreement.

15. NTN shall provide the City with certificates of insurance showing insurance coverage as noted below, stating that coverage afforded on their policies will not be cancelled, limited or allowed to expire until after thirty (30) days written notice has been given to the City. NTN shall maintain this coverage at all times during the performance of this agreement.

a. Workers Compensation coverage according to any applicable statute, including employer's liability coverage with \$1,000,000 limit per accident.

b. Comprehensive General Liability including contractual coverage with limits of at least \$1,000,000 per occurrence, \$1,000,000 aggregate bodily injury and \$1,000,000 aggregate property damage or \$1,000,000 Combined Single Limit.

c. Comprehensive Automobile Liability coverage, including owned, hired and non-owned vehicles with limits of \$1,000,000 per person, \$1,000,000 per accident bodily injury and \$1,000,000 property damage or \$1,000,000 Combined Single Limit.

Each sub-contractor shall be a named insured in NTN's policies. The City shall be named as additional insured and loss payees on all NTN's insurance policies (except workmen's compensation insurance, in which the City will not be listed as additional insured or loss payees) and NTN's policies will be on an "occurrence" and not on a "claims made" form. NTN will file with the City, on or before the commencement of this agreement and at least ten (10) days before the expiration date of expiring policies, such copies of either current policies or certificates or other proofs, as may reasonably be required to establish NTN's insurance coverage in effect from time to time.

THE CITY OF MARQUETTE

Dated: _____

By: Jennifer A. Smith
Its: Mayor

Dated: _____

By: Kyle Whitney
Its: City Clerk

APPROVED AS TO CONTENT:

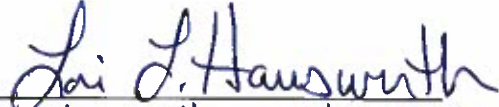
Karen M. Kovacs, City Manager

APPROVED AS TO FORM:

Suzanne C. Larsen, City Attorney

NOQUEMANON TRAILS NETWORK COUNCIL

Dated: _____


By: Lori L. Hauswirth
Its: Executive Director



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/12/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Marsh & McLennan Agency LLC 15561 Railroad Street Suite 201 Hayward WI 54843		CONTACT NAME: Theresa Terry PHONE (A/C, No, Ext): E-MAIL ADDRESS: theresa.terry@MarshMMA.com FAX (A/C, No):	
INSURED Noquemanon Trails Network Council PO Box 746 Marquette MI 49855		INSURER(S) AFFORDING COVERAGE INSURER A : Everest National Insurance Company INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :	
NOQUETRAIL		NAIC # 10120	

COVERAGES

CERTIFICATE NUMBER: 1585668323

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	Y		SI8GL01714211	11/1/2021	11/1/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ Excluded PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000 \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	☐ UMBRELLA LIAB ☒ OCCUR ☒ EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$			SI8EX01455211	11/1/2021	11/1/2022	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐	N/A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The City of Marquette, its officers and employees are Additional Insured on a primary and non-contributory basis as required by written contract or agreement limited to the General Liability coverage.

CERTIFICATE HOLDER**CANCELLATION**

City of Marquette
300 W. Baraga Ave.
Marquette MI 49855

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Scott Chapin

EXHIBIT A



City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 1/10/2022

Consent Agenda - Roll Call Vote

Noquemanon Trails Network - NMU Trail Grooming Permit

BACKGROUND:

The Noquemanon Trails Network Council (NTN) has requested the City Commission grant a permit for NTN to groom a ski trail through Tourist Park. The permit would allow the NTN to conduct snow grooming activities October 1, 2021 through September 30, 2024. The area groomed would be in accordance with the attached map and would allow the public and Northern Michigan University (NMU) students to ski from NMU at Wright Street to the Noquemanon trail system. The grooming would be conducted using a snowmobile and tow-behind groomer owned and operated by the NTN.

The City Commission approved a similar permit in 2019 with a route that went through the camp sites in Tourist Park. The route for this season is completely outside the area plowed for the off-leash winter dog park in order to avoid the conflicts between dog walkers and skiers that occurred in 2019.

FISCAL EFFECT:

All costs would be covered by the NTN.

RECOMMENDATION:

Approve the permit with the Noquemanon Trails Network Council to allow grooming activities through Tourist Park, and authorize the Mayor and Clerk to sign the permit.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Permit and Insurance
- ▣ Exhibit A

NOQUEMANON TRAILS NETWORK COUNCIL (NTN) PERMIT
TOURIST PARK SKI TRAIL

The City of Marquette (City), a Michigan municipal corporation, of 300 W. Baraga Avenue, Marquette, MI 49855, grants Noquemanon Trails Network Council (NTN), a Michigan non-profit corporation, of 401 E. Fair Street, Marquette, MI 49855, permission to perform trail preparation and maintenance of a non-motorized recreational trail located in the City at an area commonly known as Tourist Park, as shown on the attached Exhibit A, subject to the following terms and conditions:

1. Permission is granted to access the property for trail preparation (including mowing and shrubbery removal), maintenance and grooming of a non-motorized recreational trail only.
2. The City makes no warranty as to the condition of the real property (Premises) upon which the Tourist Park Ski Trail is located.
3. NTN agrees to indemnify and hold harmless the City, its officials, officers, employees, agents and assigns from any and all liens, claims, charges, liabilities, and/or damages for acts of commission, omission, or negligence on the part of NTN, NTN's subcontractors, or NTN's agents and employees, arising or growing out of the performance of NTN's trail preparation, maintenance and grooming of the Tourist Park Ski Trail.
4. NTN specifically agrees to assume all risks associated with trail preparation, maintenance and grooming of the Tourist Park Ski Trail.
5. This trail is for non-motorized recreation only. NTN will use signage and other aids as appropriate to help prevent unauthorized use. NTN may use motorized equipment to perform trail grooming and maintenance as needed.
6. Access is granted only to the Premises noted on the attached map.
7. Permission is granted to maintain a trail sixteen feet (16') in width as shown on the highlighted section of the attached map. Any materials removed for the maintenance of the trail, including timber, is to be removed in accordance with local ordinances and permission of the City by NTN at NTN's cost. Any merchantable timber removed, as determined by the City representative, will remain the possession of The City.

8. NTN is to leave the condition of the Premises in the same or better condition as it was before entering the Premises for trail preparation, maintenance and grooming.

9. There will be no interference by NTN and/or NTN's contractors or agents with any of the City's operations on the Premises. It is further agreed that access by the City to the Premises shall be maintained at all times.

10. NTN agrees that there shall be no impairment of natural or of installed drainage facilities occasioned by the aforementioned use of the Premises. NTN may repair drainage aids and bridges or restore areas to their historic condition.

11. The permission herein granted shall be from October 1, 2021 through September 30, 2024. The City and the NTN each have the right to cancel and terminate this agreement at any time and for any reason by providing written notice to the other; and upon notice of such cancellation or termination NTN will immediately cease to use the Premises.

12. NTN shall, in the use and occupancy of the Premises, comply with all laws, ordinances, rules and regulations of the City.

13. NTN shall submit for review any publication referencing the City and the Premises. NTN shall make all reasonable efforts to give favorable publicity to the City and its role in the listed trail as approved by the City.

14. It is understood by the parties that this agreement falls under the provisions of The State of Michigan Recreational Use Act, MCL §324.73301. Under this statute, so long as the landowner does not receive valuable consideration for the use of its property, the landowner is not liable for injuries to a person using the land for recreational or trail use. The City, as the landowner, will receive no valuable consideration in exchange for any terms under this agreement.

15. NTN shall provide the City with certificates of insurance showing insurance coverage as noted below, stating that coverage afforded on their policies will not be cancelled, limited or allowed to expire until after thirty (30) days written notice has been given to the City. NTN shall maintain this coverage at all times during the performance of this agreement.

a. Workers Compensation coverage according to any applicable statute, including employer's liability coverage with \$1,000,000 limit per accident.

b. Comprehensive General Liability including contractual coverage with limits of at least \$1,000,000 per occurrence, \$1,000,000 aggregate bodily injury and \$1,000,000 aggregate property damage or \$1,000,000 Combined Single Limit.

c. Comprehensive Automobile Liability coverage, including owned, hired and non-owned vehicles with limits of \$1,000,000 per person, \$1,000,000 per accident bodily injury and \$1,000,000 property damage or \$1,000,000 Combined Single Limit.

Each sub-contractor shall be a named insured in NTN's policies. The City shall be named as additional insured and loss payees on all NTN's insurance policies (except workmen's compensation insurance, in which the City will not be listed as additional insured or loss payees) and NTN's policies will be on an "occurrence" and not on a "claims made" form. NTN will file with the City, on or before the commencement of this agreement and at least ten (10) days before the expiration date of expiring policies, such copies of either current policies or certificates or other proofs, as may reasonably be required to establish NTN's insurance coverage in effect from time to time.

THE CITY OF MARQUETTE

Dated: _____

By: Jennifer A. Smith
Its: Mayor

Dated: _____

By: Kyle Whitney
Its: City Clerk

APPROVED AS TO CONTENT:

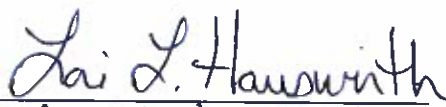
Karen M. Kovacs, City Manager

APPROVED AS TO FORM:

Suzanne C. Larsen, City Attorney

NOQUEMANON TRAILS NETWORK COUNCIL

Dated: _____



By: Lori L. Hauswirth
Its: Executive Director



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/12/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Marsh & McLennan Agency LLC 15561 Railroad Street Suite 201 Hayward WI 54843		CONTACT NAME: Theresa Terry PHONE (A/C, No. Ext): E-MAIL: theresa.terry@MarshMMA.com ADDRESS: theresa.terry@MarshMMA.com	
INSURED Noquemanon Trails Network Council PO Box 746 Marquette MI 49855		INSURER(S) AFFORDING COVERAGE INSURER A: Everest National Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
NOQUETRAIL		NAIC # 10120	

COVERAGES

CERTIFICATE NUMBER: 1585668323

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PROJECT ☐ LOC OTHER:	Y		SI8GL01714211	11/1/2021	11/1/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ Excluded PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000 \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	☐ UMBRELLA LIAB ☒ OCCUR ☒ EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$			SI8EX01455211	11/1/2021	11/1/2022	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The City of Marquette, its officers and employees are Additional Insured on a primary and non-contributory basis as required by written contract or agreement limited to the General Liability coverage.

CERTIFICATE HOLDER**CANCELLATION**

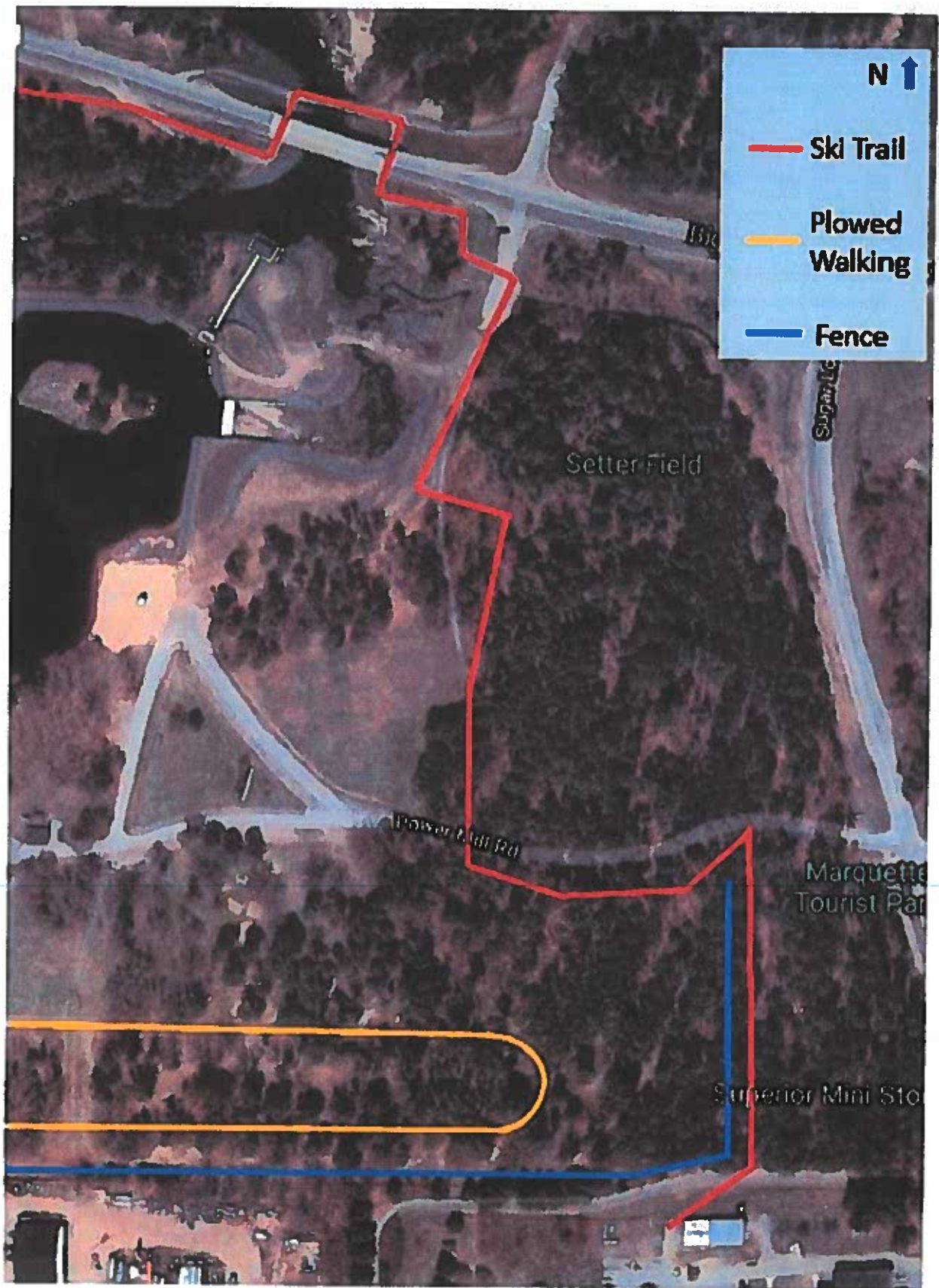
City of Marquette
300 W. Baraga Ave.
Marquette MI 49855

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Scott Chapin

© 1988-2015 ACORD CORPORATION. All rights reserved.



City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 1/10/2022

Consent Agenda - Roll Call Vote **State Right-of-Way Permits - Roll Call Vote**

BACKGROUND:

Annually, the City obtains a permit from the Michigan Department of Transportation (MDOT) allowing its forces to perform routine maintenance of City-owned infrastructure located within the State highway rights-of-way. These facilities include water and sewer lines and appurtenances, drainage facilities, electrical distribution lines and street lighting, trees, sidewalks, and signs.

One of MDOT's requirements for issuance of this permit is a "Performance Resolution for Government Agencies" from the local unit of government. Approval by the City Commission is required. The resolution language is substantially the same to those approved by the Commission in the past but reflects some changes in authorized City staff.

FISCAL EFFECT:

There is no direct fiscal effect involved with approval of this resolution and the liability to which the City is exposed in owning and maintaining facilities on highway right-of-way is not increased by virtue of the resolution. Failure to indemnify the State for City work on these facilities is however, grounds for the State to require their removal from its right-of-way.

RECOMMENDATION:

Approve the resolution updating the list of City staff authorized to supervise maintenance of City facilities in the Michigan Department of Transportation right-of-way, and authorize the City Clerk to sign the resolution.

ALTERNATIVES:

None; complete removal of all City facilities from State right-of-way is not feasible.

ATTACHMENTS:

Description

- ▣ 2022 Performance Resolution

PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way", or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

RESOLVED WHEREAS, the _____
(city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.
4. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

5. The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.
6. With respect to any activities authorized by a PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
7. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
8. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Title and/or Name: _____

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the _____
(Name of Board, etc)

of the _____ of _____
(Name of GOVERNMENTAL AGENCY) (County)

at a _____ meeting held on the _____ day

of _____ A.D. _____.

Signed _____ Title _____

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 1/10/2022

New Business

City Commission Rules of Procedure #2003-01

BACKGROUND:

Each year the Commission adopts Rules of Procedure to help the Commission run an efficient meeting and to deal with the public and the media in a positive manner.

Two documents are attached; the first represents the proposed Rules with suggested changes in red, while the second is a clean copy of the proposed Rules.

FISCAL EFFECT:

None.

RECOMMENDATION:

Discuss the City Commission Rules of Procedure #2003-01 as amended, and approve the Rules along with any changes the Commission should determine.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Rules w/ Changes
- ▣ Rules Clean Version

CITY OF MARQUETTE, MICHIGAN CITY COMMISSION POLICY

Policy Number: 2003-01	Revision Date(s): November 14, 2005 November 24, 2003 November 28, 2005 November 27, 2006 January 14, 2008 December 22, 2008 November 29, 2010 December 17, 2012 December 8, 2014 November 28, 2016 May 29, 2018 December 16, 2019 January 11, 2021	November 14, 2005 June 26, 2006 November 12, 2007 November 24, 2008 November 30, 2009 December 19, 2011 November 25, 2013 February 9, 2015 November 30, 2015 November 27, 2017 December 17, 2018 November 30, 2020 <u>January 10, 2022</u>
Date Adopted: June 30, 2003		
Department: Administrative		

SUBJECT: COMMISSION RULES OF PROCEDURE

PURPOSE: These Rules of Procedure help the Commission to run an efficient meeting and to deal with the public and the media in a positive manner. When not in conflict with the City Charter, they may be revised by majority action of the City Commission.

POLICY:

I. REGULAR AND SPECIAL MEETINGS

All meetings of the Marquette City Commission will be held in compliance with state statutes, including the Open Meetings Act, 1976 PA 267 as amended, and with the following rules:

A. Regular Meetings

1. A regular meeting shall be held at 7:00 p.m. on the Monday following each regular election. The Commission shall provide by resolution for the time and place of its regular meetings and shall hold at least two regular meetings each month (Charter 2-6).
2. Except as provided in 1. A. above, regular meetings of the Marquette City Commission will be held on the second Monday and last Monday of each month with the business portion commencing at 6:00 p.m. in the Marquette City Commission Chambers at City Hall, unless otherwise scheduled or rescheduled by action of the Commission. Commission meetings shall conclude no later than 10:00 p.m., subject to extension by the Commission.

~~If a regularly scheduled meeting falls on a legal holiday, it shall be scheduled for the next day.~~

B. Special Meetings

1. Special meetings shall be called by the Clerk on the written request of the Mayor, the City Manager, or any three members of the Commission on at least 18 hours written notice to each member of the Commission, either sent electronically, served personally, or left at their usual place of residence. Nothing in this section shall bar the Commission from meeting in an emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public if all members of the Commission are present or have waived notice thereof in writing (Charter 2-7(a)).
2. No business shall be transacted at any special meeting of the Commission unless the same has been stated in the notice of such meeting. However, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the Commission present consent thereto and all the members absent file their written consent (Charter 2-7(b)).

C. Posting Requirements for Regular and Special Meetings

1. No later than the first day of January each year the City Commission shall provide public notice stating the dates, times, and places of its regular meetings.
2. For a rescheduled regular or special meeting of the Commission, a public notice stating the date, time, and place of the meeting shall be posted at the City Hall at least 18 hours before the meeting, and sent to the news media which have requested such notification, and all news media in Marquette County. The notice described above is not required for a meeting of the Commission in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when two-thirds of the members of the Commission determine that delay would be detrimental to the City's efforts in responding to the threat.

D. Minutes of Regular and Special Meetings

1. The Clerk or ~~its~~ designee shall attend the Commission meetings and record all the proceedings and resolutions of the Commission in accordance with the Charter and the Open Meetings Act. In the absence of the Clerk or ~~its~~ designee, the Commission may appoint one of its own members or another person to temporarily perform the Clerk's duties. Meetings may be broadcast live on government access channel 191 and available for viewing after the meeting on the City website.
2. The Clerk shall prepare the Official Proceedings of each Commission meeting as required by the Charter 2-10(1), which shall be the minutes required by the Open Meetings Act. Approved minutes shall be available for public

inspection not later than five business days after the meeting at which the minutes are approved by the public body.

3. The Clerk shall also prepare a summary of the minutes showing the substance of each separate proceeding of the Commission and shall indicate the vote of the Commission members. The summary shall be published within ten days of the meeting in a newspaper of general circulation in the City of Marquette (Charter 2-10(4)).
4. A copy of the minutes of each regular or special Commission meeting shall be available for public inspection at the City Clerk's office during regular business hours and on the City website.

E. Work Sessions

Upon the call of the Mayor or the Commission, and with appropriate notice to the Commission members and the public, the Commission may convene a work session devoted exclusively to the exchange of information relating to municipal affairs. No votes shall be taken on any matters under discussion nor shall any Commission member enter into a formal commitment with another member regarding a vote to be taken subsequently.

II. CONDUCT OF MEETINGS

A. Meetings to be Public

1. All regular and special meetings of the Commission shall be open to the public, and all persons shall have a reasonable opportunity to be heard in accordance with such rules and regulations as the Commission may determine, except that the meetings may be closed to the public and the media in accordance with the Open Meetings Act.
2. All official meetings of the Commission and its committees shall be open to the media, freely subject to recording by audio visual means at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

B. Agenda Preparation

1. An agenda for each regular Commission meeting shall be prepared by the City Manager in consultation with the Mayor and not more than two Commissioners, with the following order of business:
 - a. Call to order, pledge of allegiance, and roll call of the Commission
 - b. Approval of Agenda
 - c. Announcements by the Mayor
 - d. Boards and Committees Welcome/Appointments/Reappointments/Recognition of Outgoing Members
 - e. Public Comment. May not exceed three minutes per person.
 - f. Presentations

- g. Public hearings on ordinances, resolutions or other matters requiring a public hearing
 - h. Consent Agenda
 - i. Unfinished Business. Unfinished Business is intended for items that were on a previous meeting agenda and further information was required before taking action.
 - j. New Business. New Business is intended to introduce a new topic and should be the time when Commissioners ask questions or seek other clarifications. If further information is required, the item can be moved to "Unfinished Business" for an upcoming meeting, by a majority vote of the Commission.
 - k. Public Comment. May not exceed three minutes per person.
 - l. Comments from the Commission
 - m. Comments from the City Manager
 - n. Adjournment
2. Any Commission member shall have the right to add items to the regular agenda, provided support from one additional Commission member is obtained. Any Commission member shall have the right to remove items from the regular agenda by a majority vote of the Commission.

C. Consent Agenda

A consent agenda may be used to allow the Commission to act on numerous administrative or non-controversial items at one time. Included on this agenda can be non-controversial matters such as approval of minutes, payment of bills, approval of recognition resolutions, proclamations, bid awards, contract approvals, lease agreements, recurring business, etc. Upon request by any one (1) member of Commission, an item shall be removed from the consent agenda and placed on the regular agenda for discussion.

D. Agenda Distribution

City administration shall endeavor to distribute agenda packets to the City Commission prior to a regular City Commission meeting, but in no case shall distribution occur later than Friday prior to a regular scheduled meeting. Public dissemination of agendas and agenda packets shall occur no later than 10:00 p.m. on the Friday prior to a regular meeting, via posting on the City website, and a printed agenda packets shall be delivered to the Public Library Friday evening or Saturday morning.

E. Quorum

A majority of the members of the Commission in office at the time shall constitute a quorum for the transaction of business at all Commission meetings. In the absence of a quorum, a lesser number may adjourn any meeting to a later time or date and in the absence of all members, the Clerk may adjourn any meeting for not longer than one week (Charter 2-8).

F. Attendance at Commission Meetings

1. Election to the City of Marquette Commission is a privilege freely sought by the nominee. It carries with it the responsibility to participate in Commission activities and represent the residents of the City of Marquette. Attendance at Commission meetings is critical to fulfilling this responsibility.
2. Any two or more members of the Commission may by vote either request or compel the attendance of its members and other officers of the City at any meeting. Any member of the Commission or other officer who when notified of such request for their attendance fails to attend such meeting for reasons other than confining illness or absence from Marquette County shall be deemed guilty of misconduct in office, unless excused by the Commission. The presiding officer shall enforce orderly conduct at meetings and any member of the Commission or other officer who shall fail to conduct himself in an orderly manner at the meeting shall be deemed guilty of misconduct in office (Charter 2-9(a)).

G. Presiding Mayor

~~1.~~ The Mayor shall be responsible for enforcing these Rules of Procedure and for enforcing orderly conduct at meetings, whether held in person or electronically (in whole or in part as allowed by the Open Meetings Act), including if the Mayor is the only remote participant. In the absence or disability of the Mayor, the Mayor Pro-tem shall perform the duties of mayor. In the absence or disability of both, the Commission may designate another of its members to serve as acting mayor.

III. CLOSED MEETINGS

A. Purpose

Closed meetings, which must be approved by vote at an open meeting, may be held only for the reasons authorized in the Open Meetings Act.

B. Minutes of Closed Meetings

A separate set of minutes shall be taken by the Clerk or the designated secretary of the Commission at the Closed Session. These minutes will be retained by the Clerk, shall not be available to the public, and shall only be disclosed if required by a civil action, as authorized by the Michigan Open Meetings Act. These minutes may be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved.

IV. DISCUSSION AND VOTING

A. Rules of Parliamentary Procedure

1. In order to facilitate the running of an efficient and orderly meeting, the rules of parliamentary practice as found in the latest edition of Robert's Rules of Order will be used for guidance by the Commission, provided that they are not in conflict with these Rules of Procedure, City ordinances, the City Charter, or applicable statutes. No action taken by the Commission in good

faith shall be deemed invalid by reason of the Commission's failure to adhere strictly to Robert's Rules of Order or these Rules of Procedure. The Mayor may appoint a parliamentarian.

2. A vote upon all ordinances and resolutions shall be taken by "Yes" and "No" vote and entered upon the records, except that where the vote is unanimous it shall only be necessary to so state (Charter 2-10(2)).
3. The Mayor shall preserve order and decorum and may speak to points of order in preference to other Commission members. The Mayor shall decide all questions arising under this parliamentary authority, subject to appeal and reversal by a majority of the Commission members present.
4. Any member may appeal to the Commission a ruling of the Mayor. If the appeal is seconded, the member making the appeal may briefly state the reason for the appeal and the Mayor may briefly state the ruling. There shall be no debate on the appeal and no other member shall participate in the discussion. The question shall be, "Shall the decision of the Mayor be sustained?" If the majority of the members present vote "Yes", the ruling of the Mayor is sustained; otherwise it is overruled.

B. Conduct of Discussion

1. During discussion and debate, no person shall speak until recognized for that purpose by the Mayor. After such recognition, the member shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order or privilege raised by another member. Speakers should address their remarks to the Mayor, maintain a courteous tone and avoid interjecting a personal note into debate.
2. No member shall speak more than once on the same question unless every member desiring to speak to that question shall have had the opportunity to do so.
3. The Mayor, at his or her discretion and subject to the appeal process described in A. 4. above, may permit any person to address the Commission during its deliberations.

C. Ordinances and Resolutions

1. No ordinance, except an appropriation ordinance, an ordinance adopting or embodying an administrative or governmental code or an ordinance adopting a code of ordinances, shall relate to more than one subject, and that subject shall be clearly stated in its title.
2. A vote on all ordinances and resolutions shall be taken by roll call vote and entered in the minutes unless it is a unanimous vote. If the vote is

unanimous, it shall be necessary only to so state in the minutes, unless a roll call vote is required by law or by Commission rules.

D. Roll Call

In all roll call votes, the names of the members of the Commission shall be called in rotating order as determined by the Clerk.

E. Duty to Vote

Election to a deliberative body carries with it the obligation to vote. Commission members present at the Commission meeting shall vote on every matter before the body, unless otherwise excused or prohibited from voting by law or Charter.

1. Conflict of interest, as defined by law, shall be the sole reason for a member to abstain from voting. The opinion of the City Attorney shall be binding on the Commission with respect to the existence of a conflict of interest. A vote may be tabled, if necessary, to obtain the opinion of the City Attorney. No member of the Commission shall vote on any question concerning their own conduct (Charter 2-10(3)).
2. On all other questions each member who is present shall vote when their name is called unless excused by the unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office (Charter 2-10(3)).
3. The right to vote is limited to the members of the Commission present at the time the vote is taken. Voting by proxy is not permitted.
4. All votes must be held and determined in public; no secret ballots are permitted.
5. Prior to calling for a vote, the Mayor should state the question being voted upon.

F. Results of Voting

1. In all cases where a vote is taken, the Mayor shall declare the result.
2. It shall be in order for any Commission member voting in the majority to move for a reconsideration of the vote on any question at that meeting or at the next succeeding meeting of the Commission. When a motion to consider fails, it cannot be renewed.

V. PUBLIC PARTICIPATION

A. General

1. Each regular and special Commission meeting agenda shall provide time for public comment.
2. If requested by a member of the Commission, the Mayor shall have discretion to allow a member of the public to speak at times other than during the time reserved for public comment.

B. Length of Presentation

Any person who addresses the Commission during the time set for public comment shall be limited to three minutes after giving his or her name and address as required below.

C. Addressing the Commission

When addressing the Commission, unless waived by the Mayor, a person shall state his or her name; and, once during the meeting, his or her physical home address, including municipality. The speaker shall address all remarks to the Mayor in a courteous tone. No person shall have the right to speak more than once on any particular subject until all other persons wishing to be heard on that subject have had the opportunity to speak.

D. Rules of Decorum

Meetings of the Commission shall be conducted in an orderly manner to ensure that the public has a full opportunity to be heard and that the deliberative process of the Commission is retained at all times.

While any meeting of the Commission is in session, the following rules of decorum shall be observed:

1. Members of the Audience. No person in the audience at a Commission meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language; whistling, clapping, or stamping of feet; or other acts which disturb, disrupt, or otherwise impede the orderly conduct of the Commission meeting.
2. Persons Addressing the Commission. Each person who addresses the Commission at its meetings shall not utter loud, threatening, or abusive language, engage in a personal attack on a Commissioner, Officer or employee of the City that is unrelated to the manner in which he or she performs his or her duties, or engage in any other disorderly conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of the Commission meeting.
3. Signs. Signs, banners, posters, or similar items not more than 18 inches long or 18 inches wide ~~larger than 18 inches square~~ shall be permitted at Commission meetings, but cannot be waved, held over one's head, or generally moved in any other disorderly manner which disrupts, disturbs, or otherwise impedes the orderly conduct of the Commission meeting. This

paragraph does not apply to exhibits, displays, or visual aids used in connection with and during the presentation of a recognized speaker at a Commission meeting.

4. Enforcement. The rules of decorum set forth above shall be enforced by the police officer designated with the responsibility for maintaining order at the Commission meeting in the following manner:
 - a. Warning. The Mayor shall request that a person who is breaching Paragraph 1, 2, or 3 above be orderly and comply with the rules as outlined therein. If a sign size exceeds the permitted size, the sign shall be ordered to be removed.
 - b. Removal. If after receiving a warning from the Mayor, the person persists in disrupting, disturbing, or otherwise impeding the orderly conduct of the meeting, the Mayor or Commission designate shall order the person to leave the Commission meeting for the remainder of the meeting. If the person does not leave, the Mayor shall direct any police officer designated as the sergeant-at-arms of the Commission to remove that person from Commission Chambers and City Hall.

VI. ELECTRONIC MEETINGS

~~A. Prior to March 31, 2021.~~

~~The Commission may conduct any of its meetings, in whole or in part, by electronic means using telephonic conferencing or video conferencing technology without regarding to physical place and physical presence requirements in accordance with Section 3a of the Open Meetings Act, MCL 15.263a.~~

~~B. March 31, 2021 through December 31, 2021.~~

~~The Commission may conduct any of its meetings, in whole or in part, by electronic means using telephonic conferencing or video conferencing technology due to circumstances requiring accommodation of any Commissioner absent because of military duty, a medical condition, or when a declared statewide or local state of emergency or state of disaster exists and the personal health or safety of members of the public or Commissioners would be at risk if the meeting were held in person. The term "medical condition" means an illness, injury, disability, or other health related condition, including the quarantine or isolation of a Commissioner to minimize the spread of a contagious disease.~~

CA. After December 31, 2021. Participation in Electronic Meetings

Beginning January 1, 2022, Commissioners may participate in Commission meetings by electronic means only to accommodate absence due to military duty.

DB. Conduct of Electronic Meetings.

1. **Two-Way Communication.** Any electronically-held meeting will be conducted in a manner that permits two-way communication so that Commissioners can hear and be heard by one another, and so that the public participants can hear and be heard by the Commissioners and other public participants during the Public Comment period. The City may use technology to facilitate typed public comments submitted by members of the public participating in the electronically-held meeting that shall be read to or shared with the Commissioners and other participants.
2. **Physical Place.** As permitted by the Open Meetings Act, a physical place is not required for an electronically-held meeting. Commissioners and members of the public participating electronically in a meeting that occurs in a physical place are considered present and in attendance at the meeting for all purposes. For a meeting at which Commissioners are physically absent due to military duty or a medical condition and who are being accommodated by remote participation, all other Commissioners must be physically present at the meeting to be able to participate.
3. **Commissioner Participation.** A Commissioner who anticipates their physical absence from a Commission meeting as allowed by the Open Meetings Act may request accommodation of their absence to permit their remote participation in and voting on Commission business by two-way telephonic or video conferencing communication. A City Commissioner who desires to attend a meeting remotely shall inform the City Manager at least 24 hours before the meeting so as to permit any necessary technology to be put in place to accommodate participation by the absent member. Commissioners attending a meeting remotely may fully participate in the meeting, including voting and attendance in any closed session. Any Commissioner attending a meeting remotely must publicly announce at the outset of the meeting that the Commissioner is attending the meeting remotely. If the Commissioner is attending the meeting remotely for a purpose other than military duty, the Commissioner's announcement must identify the city, township, village or county and state from which the Commissioner is attending the meeting remotely. This information must be included in the meeting minutes.
4. **Notice.** In addition to any other notice required by the Open Meetings Act, advance notice of an electronically-held meeting shall be posted on a portion of the City's website that is fully accessible to the public. The public notice must be included on either the home page or a separate webpage dedicated to public notices that is accessible through a prominent and conspicuous link on the City's website home page. Any scheduled meeting of the Commission may be held as an electronic meeting as permitted by the Open Meetings Act if a notice consistent with this Rule is posted at least 18 hours before the meeting begins. Any notice of an electronically-held meeting must clearly contain the following information:
 - a. The reason the Commission is meeting electronically;

- b. How members of the public may participate in the electronically -held meeting (including a telephone number, internet address or other specific means to participate);
 - c. How members of the public may contact Commissioners to provide input or ask questions on any business that will come before the Commission at the meeting; and
 - d. How persons with disabilities may participate in the electronic meeting.
5. Closed Session. Members of the general public otherwise participating in an electronically -held Commission meeting are excluded from participation in a closed session of the Commission that is held electronically provided that the closed session is convened and held in compliance with the requirements of the Open Meetings Act.

~~I. Conduct of In-Person Meetings Prior to April 1, 2021~~

~~Beginning December 23, 2020 through April 1, 2021, at all in-person Commission meetings, the Commission shall:~~

- ~~1. To the extent feasible under the circumstances, ensure adherence to social distancing and mitigation measures recommended by the Centers for Disease Control and Prevention for purposes of preventing the spread of COVID-19, including but not limited to all individuals remaining at least 6 feet apart from anyone from outside the individual's household; and~~
- ~~2. Adopt heightened standards for facility cleaning and disinfection to limit participant exposure to COVID-19, as well as protocols to clean and disinfect in the event of a positive COVID-19 case in Commission Chambers.~~

VII. MISCELLANEOUS

A. Adoption and Amendment of Rules of Procedure

- 1. These Rules of Procedure of the Commission will usually be placed on the agenda for review and adoption at the first meeting of the Commission following the seating of the newly elected Commission members ~~for review and adoption~~. A copy of the Rules adopted shall be distributed to each Commission member.
- 2. The Commission may alter or amend its rules at any time, when not in conflict with the City Charter, by a vote of a majority of its members after notice has been given of the proposed alteration or amendment.

B. Suspension of Rules

The rules of the Commission may be suspended for a specified portion of a meeting by an affirmative vote of two-thirds of the members present except that

Commission actions shall conform to state statutes and to the Michigan and the United States Constitutions.

C. Bid Awards

Bids will be awarded by the Commission during regular or special meetings. A bid award may be made at a special meeting of the Commission if that action is announced in the notice of the special meeting.

D. Committees

1. Standing and Special Committees of the Commission
 - a. There shall be no standing committees of the Commission.
 - b. The Commission may create a subcommittee of up to three members to examine a specific subject for a specific period of time.
2. Citizen Task Forces

Citizen task forces may be established by a motion of the Commission which specifies the task to be accomplished and the date of its dissolution. Members of such committees will be appointed by the Mayor, subject to approval by a majority vote of the Commission, and must be residents of the City of Marquette. Vacancies will be filled by majority vote of the Commission in the same way appointments are made.
3. Ad Hoc Committee

Ad Hoc committees may be formed for a specific purpose and for a specific period of time as approved by the City Commission. A broad diversity of experts and/or interests may be represented on an Ad Hoc committee. Only a majority of ad hoc committee members need to be City residents.

E. Performance Review of City Manager and City Attorney

The Commission will annually review ~~annually~~ the performance of the City Manager and City Attorney. ~~Following these reviews the Commission will schedule a work session for the purpose of establishing and establish~~ appropriate goals and objectives to be considered during the next performance review period.

CITY OF MARQUETTE, MICHIGAN CITY COMMISSION POLICY

Policy Number: 2003-01	Revision Date(s): November 14, 2005 November 24, 2003 November 28, 2005 November 27, 2006 January 14, 2008 December 22, 2008 November 29, 2010 December 17, 2012 December 8, 2014 November 28, 2016 May 29, 2018 December 16, 2019 January 11, 2021	November 14, 2005 June 26, 2006 November 12, 2007 November 24, 2008 November 30, 2009 December 19, 2011 November 25, 2013 February 9, 2015 November 30, 2015 November 27, 2017 December 17, 2018 November 30, 2020 January 10, 2022
Date Adopted: June 30, 2003		
Department: Administrative		

SUBJECT: COMMISSION RULES OF PROCEDURE

PURPOSE: These Rules of Procedure help the Commission to run an efficient meeting and to deal with the public and the media in a positive manner. When not in conflict with the City Charter, they may be revised by majority action of the City Commission.

POLICY:

I. REGULAR AND SPECIAL MEETINGS

All meetings of the Marquette City Commission will be held in compliance with state statutes, including the Open Meetings Act, 1976 PA 267 as amended, and with the following rules:

A. Regular Meetings

1. A regular meeting shall be held at 7:00 p.m. on the Monday following each regular election. The Commission shall provide by resolution for the time and place of its regular meetings and shall hold at least two regular meetings each month (Charter 2-6).
2. Except as provided in 1. A. above, regular meetings of the Marquette City Commission will be held on the second Monday and last Monday of each month with the business portion commencing at 6:00 p.m. in the Marquette City Commission Chambers at City Hall, unless otherwise scheduled or rescheduled by action of the Commission. Commission meetings shall conclude no later than 10:00 p.m., subject to extension by the Commission.

B. Special Meetings

1. Special meetings shall be called by the Clerk on the written request of the Mayor, the City Manager, or any three members of the Commission on at least 18 hours written notice to each member of the Commission, either sent electronically, served personally, or left at their usual place of residence. Nothing in this section shall bar the Commission from meeting in an emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public if all members of the Commission are present or have waived notice thereof in writing (Charter 2-7(a)).
2. No business shall be transacted at any special meeting of the Commission unless the same has been stated in the notice of such meeting. However, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the Commission present consent thereto and all the members absent file their written consent (Charter 2-7(b)).

C. Posting Requirements for Regular and Special Meetings

1. No later than the first day of January each year the City Commission shall provide public notice stating the dates, times, and places of its regular meetings.
2. For a rescheduled regular or special meeting of the Commission, a public notice stating the date, time, and place of the meeting shall be posted at the City Hall at least 18 hours before the meeting, and sent to the news media which have requested such notification, and all news media in Marquette County. The notice described above is not required for a meeting of the Commission in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when two-thirds of the members of the Commission determine that delay would be detrimental to the City's efforts in responding to the threat.

D. Minutes of Regular and Special Meetings

1. The Clerk or designee shall attend the Commission meetings and record all the proceedings and resolutions of the Commission in accordance with the Charter and the Open Meetings Act. In the absence of the Clerk or designee, the Commission may appoint one of its own members or another person to temporarily perform the Clerk's duties. Meetings may be broadcast live on government access channel 191 and available for viewing after the meeting on the City website.
2. The Clerk shall prepare the Official Proceedings of each Commission meeting as required by the Charter 2-10(1), which shall be the minutes required by the Open Meetings Act. Approved minutes shall be available for public inspection not later than five business days after the meeting at which the minutes are approved by the public body.

3. The Clerk shall also prepare a summary of the minutes showing the substance of each separate proceeding of the Commission and shall indicate the vote of the Commission members. The summary shall be published within ten days of the meeting in a newspaper of general circulation in the City of Marquette (Charter 2-10(4)).
4. A copy of the minutes of each regular or special Commission meeting shall be available for public inspection at the City Clerk's office during regular business hours and on the City website.

E. Work Sessions

Upon the call of the Mayor or the Commission, and with appropriate notice to the Commission members and the public, the Commission may convene a work session devoted exclusively to the exchange of information relating to municipal affairs. No votes shall be taken on any matters under discussion nor shall any Commission member enter into a formal commitment with another member regarding a vote to be taken subsequently.

II. CONDUCT OF MEETINGS

A. Meetings to be Public

1. All regular and special meetings of the Commission shall be open to the public, and all persons shall have a reasonable opportunity to be heard in accordance with such rules and regulations as the Commission may determine, except that the meetings may be closed to the public and the media in accordance with the Open Meetings Act.
2. All official meetings of the Commission and its committees shall be open to the media, freely subject to recording by audio visual means at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

B. Agenda Preparation

1. An agenda for each regular Commission meeting shall be prepared by the City Manager in consultation with the Mayor and not more than two Commissioners, with the following order of business:
 - a. Call to order, pledge of allegiance, and roll call of the Commission
 - b. Approval of Agenda
 - c. Announcements by the Mayor
 - d. Boards and Committees Welcome/Appointments/Reappointments/Recognition of Outgoing Members
 - e. Public Comment. May not exceed three minutes per person.
 - f. Presentations
 - g. Public hearings on ordinances, resolutions or other matters requiring a public hearing
 - h. Consent Agenda

- i. Unfinished Business. Unfinished Business is intended for items that were on a previous meeting agenda and further information was required before taking action.
 - j. New Business. New Business is intended to introduce a new topic and should be the time when Commissioners ask questions or seek other clarifications. If further information is required, the item can be moved to "Unfinished Business" for an upcoming meeting, by a majority vote of the Commission.
 - k. Public Comment. May not exceed three minutes per person.
 - l. Comments from the Commission
 - m. Comments from the City Manager
 - n. Adjournment
2. Any Commission member shall have the right to add items to the regular agenda, provided support from one additional Commission member is obtained. Any Commission member shall have the right to remove items from the regular agenda by a majority vote of the Commission.

C. Consent Agenda

A consent agenda may be used to allow the Commission to act on numerous administrative or non-controversial items at one time. Included on this agenda can be non-controversial matters such as approval of minutes, payment of bills, approval of recognition resolutions, proclamations, bid awards, contract approvals, lease agreements, recurring business, etc. Upon request by any one (1) member of Commission, an item shall be removed from the consent agenda and placed on the regular agenda for discussion.

D. Agenda Distribution

City administration shall endeavor to distribute agenda packets to the City Commission prior to a regular City Commission meeting, but in no case shall distribution occur later than Friday prior to a regular scheduled meeting. Public dissemination of agendas and agenda packets shall occur no later than 10:00 p.m. on the Friday prior to a regular meeting, via posting on the City website, and a printed agenda packet shall be delivered to the Public Library Friday evening or Saturday morning.

E. Quorum

A majority of the members of the Commission in office at the time shall constitute a quorum for the transaction of business at all Commission meetings. In the absence of a quorum, a lesser number may adjourn any meeting to a later time or date and in the absence of all members, the Clerk may adjourn any meeting for not longer than one week (Charter 2-8).

F. Attendance at Commission Meetings

- 1. Election to the City of Marquette Commission is a privilege freely sought by the nominee. It carries with it the responsibility to participate in Commission

activities and represent the residents of the City of Marquette. Attendance at Commission meetings is critical to fulfilling this responsibility.

2. Any two or more members of the Commission may by vote either request or compel the attendance of its members and other officers of the City at any meeting. Any member of the Commission or other officer who when notified of such request for their attendance fails to attend such meeting for reasons other than confining illness or absence from Marquette County shall be deemed guilty of misconduct in office, unless excused by the Commission. The presiding officer shall enforce orderly conduct at meetings and any member of the Commission or other officer who shall fail to conduct himself in an orderly manner at the meeting shall be deemed guilty of misconduct in office (Charter 2-9(a)).

G. Presiding Mayor

The Mayor shall be responsible for enforcing these Rules of Procedure and for enforcing orderly conduct at meetings, whether held in person or electronically (in whole or in part as allowed by the Open Meetings Act), including if the Mayor is the only remote participant. In the absence or disability of the Mayor, the Mayor Pro-tem shall perform the duties of mayor. In the absence or disability of both, the Commission may designate another of its members to serve as acting mayor.

III. CLOSED MEETINGS

A. Purpose

Closed meetings, which must be approved by vote at an open meeting, may be held only for the reasons authorized in the Open Meetings Act.

B. Minutes of Closed Meetings

A separate set of minutes shall be taken by the Clerk or the designated secretary of the Commission at the Closed Session. These minutes will be retained by the Clerk, shall not be available to the public, and shall only be disclosed if required by a civil action, as authorized by the Michigan Open Meetings Act. These minutes may be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved.

IV. DISCUSSION AND VOTING

A. Rules of Parliamentary Procedure

1. In order to facilitate the running of an efficient and orderly meeting, the rules of parliamentary practice as found in the latest edition of Robert's Rules of Order will be used for guidance by the Commission, provided that they are not in conflict with these Rules of Procedure, City ordinances, the City Charter, or applicable statutes. No action taken by the Commission in good faith shall be deemed invalid by reason of the Commission's failure to adhere

strictly to Robert's Rules of Order or these Rules of Procedure. The Mayor may appoint a parliamentarian.

2. A vote upon all ordinances and resolutions shall be taken by "Yes" and "No" vote and entered upon the records, except that where the vote is unanimous it shall only be necessary to so state (Charter 2-10(2)).
3. The Mayor shall preserve order and decorum and may speak to points of order in preference to other Commission members. The Mayor shall decide all questions arising under this parliamentary authority, subject to appeal and reversal by a majority of the Commission members present.
4. Any member may appeal to the Commission a ruling of the Mayor. If the appeal is seconded, the member making the appeal may briefly state the reason for the appeal and the Mayor may briefly state the ruling. There shall be no debate on the appeal and no other member shall participate in the discussion. The question shall be, "Shall the decision of the Mayor be sustained?" If the majority of the members present vote "Yes", the ruling of the Mayor is sustained; otherwise it is overruled.

B. Conduct of Discussion

1. During discussion and debate, no person shall speak until recognized for that purpose by the Mayor. After such recognition, the member shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order or privilege raised by another member. Speakers should address their remarks to the Mayor, maintain a courteous tone and avoid interjecting a personal note into debate.
2. No member shall speak more than once on the same question unless every member desiring to speak to that question shall have had the opportunity to do so.
3. The Mayor, at his or her discretion and subject to the appeal process described in A. 4. above, may permit any person to address the Commission during its deliberations.

C. Ordinances and Resolutions

1. No ordinance, except an appropriation ordinance, an ordinance adopting or embodying an administrative or governmental code or an ordinance adopting a code of ordinances, shall relate to more than one subject, and that subject shall be clearly stated in its title.
2. A vote on all ordinances and resolutions shall be taken by roll call vote and entered in the minutes unless it is a unanimous vote. If the vote is unanimous, it shall be necessary only to so state in the minutes, unless a roll call vote is required by law or by Commission rules.

D. Roll Call

In all roll call votes, the names of the members of the Commission shall be called in rotating order as determined by the Clerk.

E. Duty to Vote

Election to a deliberative body carries with it the obligation to vote. Commission members present at the Commission meeting shall vote on every matter before the body, unless otherwise excused or prohibited from voting by law or Charter.

1. Conflict of interest, as defined by law, shall be the sole reason for a member to abstain from voting. The opinion of the City Attorney shall be binding on the Commission with respect to the existence of a conflict of interest. A vote may be tabled, if necessary, to obtain the opinion of the City Attorney. No member of the Commission shall vote on any question concerning their own conduct (Charter 2-10(3)).
2. On all other questions each member who is present shall vote when their name is called unless excused by the unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office (Charter 2-10(3)).
3. The right to vote is limited to the members of the Commission present at the time the vote is taken. Voting by proxy is not permitted.
4. All votes must be held and determined in public; no secret ballots are permitted.
5. Prior to calling for a vote, the Mayor should state the question being voted upon.

F. Results of Voting

1. In all cases where a vote is taken, the Mayor shall declare the result.
2. It shall be in order for any Commission member voting in the majority to move for a reconsideration of the vote on any question at that meeting or at the next succeeding meeting of the Commission. When a motion to consider fails, it cannot be renewed.

V. PUBLIC PARTICIPATION

A. General

1. Each regular and special Commission meeting agenda shall provide time for public comment.

2. If requested by a member of the Commission, the Mayor shall have discretion to allow a member of the public to speak at times other than during the time reserved for public comment.

B. Length of Presentation

Any person who addresses the Commission during the time set for public comment shall be limited to three minutes after giving his or her name and address as required below.

C. Addressing the Commission

When addressing the Commission, unless waived by the Mayor, a person shall state his or her name; and, once during the meeting, his or her physical home address, including municipality. The speaker shall address all remarks to the Mayor in a courteous tone. No person shall have the right to speak more than once on any particular subject until all other persons wishing to be heard on that subject have had the opportunity to speak.

D. Rules of Decorum

Meetings of the Commission shall be conducted in an orderly manner to ensure that the public has a full opportunity to be heard and that the deliberative process of the Commission is retained at all times.

While any meeting of the Commission is in session, the following rules of decorum shall be observed:

1. **Members of the Audience.** No person in the audience at a Commission meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language; whistling, clapping, or stamping of feet; or other acts which disturb, disrupt, or otherwise impede the orderly conduct of the Commission meeting.
2. **Persons Addressing the Commission.** Each person who addresses the Commission at its meetings shall not utter loud, threatening, or abusive language, engage in a personal attack on a Commissioner, Officer or employee of the City that is unrelated to the manner in which he or she performs his or her duties, or engage in any other disorderly conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of the Commission meeting.
3. **Signs.** Signs, banners, posters, or similar items not more than 18 inches long or 18 inches wide shall be permitted at Commission meetings, but cannot be waved, held over one's head, or generally moved in any other disorderly manner which disrupts, disturbs, or otherwise impedes the orderly conduct of the Commission meeting. This paragraph does not apply to exhibits, displays, or visual aids used in connection with and during the presentation of a recognized speaker at a Commission meeting.

4. Enforcement. The rules of decorum set forth above shall be enforced by the police officer designated with the responsibility for maintaining order at the Commission meeting in the following manner:
 - a. Warning. The Mayor shall request that a person who is breaching Paragraph 1, 2, or 3 above be orderly and comply with the rules as outlined therein. If a sign size exceeds the permitted size, the sign shall be ordered to be removed.
 - b. Removal. If after receiving a warning from the Mayor, the person persists in disrupting, disturbing, or otherwise impeding the orderly conduct of the meeting, the Mayor or Commission designate shall order the person to leave the Commission meeting for the remainder of the meeting. If the person does not leave, the Mayor shall direct any police officer designated as the sergeant-at-arms of the Commission to remove that person from Commission Chambers and City Hall.

VI. ELECTRONIC MEETINGS

A. Participation in Electronic Meetings

Commissioners may participate in Commission meetings by electronic means only to accommodate absence due to military duty.

B. Conduct of Electronic Meetings.

1. Two-Way Communication. Any electronically-held meeting will be conducted in a manner that permits two-way communication so that Commissioners can hear and be heard by one another, and so that the public participants can hear and be heard by the Commissioners and other public participants during the Public Comment period. The City may use technology to facilitate typed public comments submitted by members of the public participating in the electronically held meeting that shall be read to or shared with the Commissioners and other participants.
2. Physical Place. As permitted by the Open Meetings Act, a physical place is not required for an electronically held meeting. Commissioners and members of the public participating electronically in a meeting that occurs in a physical place are considered present and in attendance at the meeting for all purposes. For a meeting at which Commissioners are physically absent due to military duty or a medical condition and who are being accommodated by remote participation, all other Commissioners must be physically present at the meeting to be able to participate.
3. Commissioner Participation. A Commissioner who anticipates their physical absence from a Commission meeting as allowed by the Open Meetings Act may request accommodation of their absence to permit their remote participation in and voting on Commission business by two-way telephonic or

- video conferencing communication. A City Commissioner who desires to attend a meeting remotely shall inform the City Manager at least 24 hours before the meeting so as to permit any necessary technology to be put in place to accommodate participation by the absent member. Commissioners attending a meeting remotely may fully participate in the meeting, including voting and attendance in any closed session. Any Commissioner attending a meeting remotely must publicly announce at the outset of the meeting that the Commissioner is attending the meeting remotely. If the Commissioner is attending the meeting remotely for a purpose other than military duty, the Commissioner's announcement must identify the city, township, village or county and state from which the Commissioner is attending the meeting
- b. How members of the public may participate in the electronically held meeting (including a telephone number, internet address or other specific means to participate);
 - c. How members of the public may contact Commissioners to provide input or ask questions on any business that will come before the Commission at the meeting; and
 - d. How persons with disabilities may participate in the electronic meeting.
5. Closed Session. Members of the general public otherwise participating in an electronically held Commission meeting are excluded from participation in a closed session of the Commission that is held electronically provided that the closed session is convened and held in compliance with the requirements of the Open Meetings Act.

VII. MISCELLANEOUS

A. Adoption and Amendment of Rules of Procedure

1. These Rules of Procedure of the Commission will usually be placed on the agenda for review and adoption at the first meeting of the Commission following the seating of the newly elected Commission members. A copy of the Rules adopted shall be distributed to each Commission member.
2. The Commission may alter or amend its rules at any time, when not in conflict with the City Charter, by a vote of a majority of its members after notice has been given of the proposed alteration or amendment.

B. Suspension of Rules

The rules of the Commission may be suspended for a specified portion of a meeting by an affirmative vote of two-thirds of the members present except that Commission actions shall conform to state statutes and to the Michigan and the United States Constitutions.

C. Bid Awards

Bids will be awarded by the Commission during regular or special meetings. A bid award may be made at a special meeting of the Commission if that action is announced in the notice of the special meeting.

D. Committees

1. Standing and Special Committees of the Commission
 - a. There shall be no standing committees of the Commission.
 - b. The Commission may create a subcommittee of up to three members to examine a specific subject for a specific period of time.
2. Citizen Task Forces

Citizen task forces may be established by a motion of the Commission which specifies the task to be accomplished and the date of its dissolution. Members of such committees will be appointed by the Mayor, subject to approval by a majority vote of the Commission, and must be residents of the City of Marquette. Vacancies will be filled by majority vote of the Commission in the same way appointments are made.
3. Ad Hoc Committee

Ad Hoc committees may be formed for a specific purpose and for a specific period of time as approved by the City Commission. A broad diversity of experts and/or interests may be represented on an Ad Hoc committee. Only a majority of ad hoc committee members need to be City residents.

E. Performance Review of City Manager and City Attorney

The Commission will annually review the performance of the City Manager and City Attorney, and establish appropriate goals and objectives to be considered during the next performance review period.