



## CITY COUNCIL ACTION ITEM

Date April 16, 2009

TO: Mayor and City Council

FROM: John Szerlag, Acting City Manager  
Lori Grigg Bluhm, City Attorney  
Tonni L. Bartholomew, City Clerk

SUBJECT: City Council Absences

### Background:

- City Council requested that the process of excusing City Council members be clarified and formalized.
- City Administration has reviewed the Open Meetings Act (OMA), City Charter, and Council's Rules of Procedure (Rules).
- The OMA requires that the minutes record the members present and the members absent.
- City Charter Sections 4.6 and 6.2 reference absences of Council members. Section 4.6 provides for excused absences for Council members with a confining illness or absence from Oakland County. However this provision is tied to compulsory attendance, there is no explicit authority to expand this provision to excuse Council member absences other than when there is a compulsory attendance action. The two referenced Charter Sections are as follows:

- Section 4.6 - Compulsory Attendance and Conduct at Meetings:

Any two or more members of the Council may by vote either request or compel the attendance of its members and other officers of the city at any meeting of the Council. Any member of the Council or other officer who when notified of such request for his attendance fails to attend such meeting for reasons other than confining illness or absence from Oakland County shall be deemed guilty of misconduct in office unless excused by the Council. The presiding officer shall enforce orderly conduct at meetings and any member of the Council or other officer who shall fail to conduct himself in an orderly manner at any meeting shall be deemed guilty of misconduct in office.

Any police officer designated by the presiding officer of the meeting shall serve as the Sergeant-at-Arms of the Council in the enforcement of the provisions of this section.

- Section 6.2 - Vacancies in Elective Office:

Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:

- (d) If the officer shall absent himself continuously from the city for more than thirty consecutive days in any one year without the permission of the Council.
  - (e) In the case of any members of the Council, if such officer shall miss five consecutive regular meetings of the Council or twenty-five percent of such meetings in any fiscal year of the city, unless such absences shall be excused by the Council and the reason therefore entered in the proceedings of the Council at the time of each absence;
- Since there is no automatic provision for excusing absences within the Charter (other than those indicated in the case of compulsory attendance), Council may wish to establish a Rule in the Council's Rules of Procedure. Such a rule could formalize a procedure to excuse members. Additional requirements, such as the process for reporting an absence, and/ or the placement on the Agenda when the excuse is to be offered up for consideration, could be included into the rule. Additionally, Council may also define the circumstances that could qualify for an automatic excusal as long as the Rules were followed.
  - Council's Rules of Procedure comply with the requirements of the OMA. The Rules set forth an Agenda format for both Special and Regular meetings, including a Roll Call requirement. The format does not expressly include an agenda item where a member's absence could be considered for excusal. Such an item has been administratively included on the Agenda under (b) Roll Call. However, the Rules should be amended to explicitly provide for an opportunity to consider excusal of Council Members. This modification is a possible amendment which was intended to be brought forward at the next review of the Rules.
  - The amendment to the Rules, as provided in the Agenda booklet, is recommended for both Special and Regular meetings.
  - Rule 21. Council Absences, could be amended to include the recommended revision as 21 C, which would require re-numbering.

Options:

- Option one: **APPROVE** an amendment to the Council Rules of Procedure to provide for the excusing of Council members absent from a Council meeting.
- Option two: **REFER** the Section 6.2(e) to the Charter Revision Committee for consideration of additional amendment options.
- Option three: **TAKE NO ACTION.**

**PROPOSED MOTION TO AMEND COUNCIL RULES OF PROCEDURE TO INCLUDE A PROCESS AND REASONS FOR EXCUSING ABSENCES OF COUNCIL MEMBERS AT MEETINGS:**

Suggested Resolution

Resolution #2009-04-

Moved by

Seconded by

RESOLVED, That City Council **AMENDS** the Council Rules of Procedure with modification to the Rules as follows:

Rule 3. SPECIAL MEETINGS

D. ORDER OF BUSINESS

b) Roll Call

(a) Listing of Council Members

(b) Excuse Absent Council Members pursuant to Rule Number 21

ABSENCES AT COUNCIL MEETINGS. A

Rule 6. ORDER OF BUSINESS

4. Roll Call

(a) Listing of Council Members

(b) Excuse Absent Council Members pursuant to Rule Number 21

ABSENCES AT COUNCIL MEETINGS. A

Rule 21. ABSENCES AT COUNCIL MEETINGS

A. Council members unable to attend a Council meeting shall notify the City Manager, City Attorney or City Clerk of their absence in advance of the meeting and indicate the reason for the absence if requesting that the absence be excused.

B. The following absence of a Council member will be accepted and recorded as an automatic Excused Absence:

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C. In the event of an absence of a Council Member at a meeting, the City Manager is directed to supply such absent Council Member with information about any special meetings that may have been scheduled.

Yes:

No:

**PROPOSED MOTION TO FORWARD SECTION 6.2(e) TO THE CHARTER REVISION COMMITTEE FOR REVIEW AND POSSIBLE RECOMMENDATION:**

Suggested Resolution

Resolution #2009-04-

Moved by

Seconded by

RESOLVED, That City Council **FORWARDS** Section 6.2(e) to the Charter Revision Committee for consideration of additional amendment options.

Yes:

No: