



CITY COUNCIL ACTION ITEM

Date: September 1, 2009

TO: Mayor and City Council

FROM: John Szerlag, 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) and has included the portions of the Charter which govern absences of Council members.
- 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 discusses excused absences for Council members with a confining illness or an absence from Oakland County, when Council members are required to attend a meeting under compulsion. 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:

- (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 location on the Agenda when the excuse is to be offered up for consideration, could be included into the rule. Additionally, Council may also define circumstances where there would be an automatic excusal as long as the Rules were followed.
- Council's Rules of Procedure comply with the requirements of the OMA since there is a Roll Call Agenda Item for Special and Regular meetings. The current agenda format does not provide a proposed resolution to excuse a member's absence. Council can direct that there be a proposed standard resolution for excusal of absent Council members as has been done in the past. The continuation of this practice could be added in the Council's Rules of Procedure. An appropriate location for any such rule would be in Rule 21.

A proposed resolution accomplishing this objective is attached for your consideration.

PROPOSED MOTION TO AMEND COUNCIL RULES OF PROCEDURE:

Suggested Resolution

Resolution #2009-09-

Moved by

Seconded by

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

Rule 3. SPECIAL MEETINGS

D. ORDER OF BUSINESS

b) Roll Call

(1) Listing of Council Members

(2) Excuse Absent Council Members pursuant to Rule Number 21.

Rule 6. ORDER OF BUSINESS

4. Roll Call

(a) Listing of Council Members

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

Rule 21. ABSENCES AT COUNCIL MEETINGS

A. Council members desiring an excused absence who are unable to attend a Council meeting shall notify the City Manager, City Attorney and City Clerk of their absence in writing prior to the meeting and indicate the reason for the absence.

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

Yes:

No: