



Agenda

Committee of the Whole Meeting

City of Kalamazoo

Monday, August 7, 2023

5:00 PM

City Commission Chambers – 241 West South Street

- A. CALL TO ORDER/ROLL CALL**
- B. COMMUNICATIONS**
- C. PUBLIC COMMENTS**
- D. SPECIAL AGENDA ITEMS**
- E. COMMITTEE OF THE WHOLE**
- F. WORK SESSION**
 - 1. Kalamazoo Blueprint for Peace Update
 - 2. Discussion of Retirement Investment Committee Reappointment and Board and Commission Appointments
- G. COMMISSIONER COMMENTS**
- H. ADJOURNMENT**



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INTEROFFICE MEMORANDUM

August 1, 2023

Mayor and Commissioners,

This memorandum is provided to assist you with your Committee of the Whole discussion concerning Agenda Item J.1. of your Business Meeting agenda. Any final decision should be made during the Business Meeting.

At the Commission's July 17th meeting, the Commission postponed action on reappointing Robert Salisbury to the Retirement Investment Committee so as to allow the City Attorney to perform research concerning an issue involving Mr. Salisbury's Kalamazoo residency status. During discussion, one Commissioner questioned whether Mr. Salisbury was a Kalamazoo resident, since it appears that he resides in Florida and travels to Kalamazoo to attend meetings. Another Commissioner commented that Mr. Salisbury still maintains a residence in Kalamazoo where he stays part-time during the year.

The December 20, 2021 Commission's Rules for conducting meetings contains a rule (Rule 12) that specifically applies to city boards and commissions. Rule 12(k), second sentence, provides:

"All members of boards and commissions shall be **residents** of the City of Kalamazoo unless otherwise provided by statute, ordinance, or by the by-laws of a particular board of commission, in which case a majority of the members of such boards or commissions shall be City residents."

At the meeting, the following two questions were raised by Commissioners. First, is there a statute, ordinance, or provision in the Retirement Investment Committee's by-laws that does not require committee members to be city residents? Second, can the Commission use Rule 16 to waive the residency requirement? In addition, there is another question not raised at the July 17th meeting. Specifically, what constitutes a "resident" for purposes of Rule 12(k)?

Answer to Question #1

The answer to the first question is "no". There is not a statute, ordinance or provision in the Retirement Investment Committee's by-laws that specifies whether a committee member must be a city resident. Section 2-252.2 of the City's Code of Ordinances provides for the qualifications for members, but it does not contain a residency requirement. Likewise, the state statute does not address residency of committee members. Finally, the committee does not have a set of by-laws.



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Answer to Question #2

The answer to the second question is “yes”. Rule 16 provides:

“Any City Commission rule may be waived by a simple majority vote of the Commission. The effect of a waiver is limited to the meeting wherein the waiver was granted.”

As Rule 16 provides, it may be used to waive any of the other Rules, including the second sentence of Rule 12(k), by a simple majority vote. As additional support, the first sentence in Rule 12(k), allows the City Commission to **waive** the restriction that limits a person from serving on more than one board or commission at a time. If the Commission waives the residency requirement, such waiver does not dispense of the residency requirement for all future board and commission appointments. Rather, as the second sentence of Rule 16 provides, the waiver only operates during the course of the meeting in which it was utilized.

Answer to Question #3

The answer to the third question is not known. For purposes of city board and commission members, neither the Commission Rules, nor the City Code of Ordinances or City Charter, define what constitutes a “resident”. Does it mean the same thing as defined by Michigan election, state income or property tax laws? Generally, these state laws define residency as the place where a person resides for most of the year. Or can it include part-time residency?

The Commission can choose to define residency to include “part-time” residency via a preliminary motion to the main motion to appoint. However, while such an action would only be limited to the August 7th meeting, it is not known what unintended consequences such an action may have for future appointments. A more comprehensive review of such a change might be a better course of action than taking action to define “residency” at its August 7th meeting.

I will be available to answer any questions you may have at your Committee of the Whole meeting.

Aaron Leal
City Attorney

Attachments:

1. December 20, 2021, City Commission Rules
2. City Ordinance, Sections 2-252.1 and 2-252.2

Subject: CITY COMMISSION RULES

No. 10.1

Date: December 20, 2021

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PURPOSE:

Pursuant to Section 8(a) of the Kalamazoo City Charter, this policy establishes rules for conducting meetings of the City Commission; and establishes protocol in the absence of the Mayor and Vice Mayor or a Commissioner.

SCOPE:

The following rules are applicable to all City Commission meetings. Rule No. 12 establishes policies, which shall be applicable to boards and commissions of the City.

1. MEETINGS

The City Commission shall establish and publish a schedule of regular meetings that are to be held throughout the calendar year prior to January 1 of each year. Regular Business meetings of the City Commission shall be at 7 o'clock p.m. the first and third Monday evening of each month, except as otherwise provided for in the annual schedule of regular meetings.

In the event of a natural or man-made *force majeure*, the Mayor (or Vice Mayor in the absence of the Mayor) after consultation with the City Manager, may cancel a scheduled Regular Business, Special, or Committee of the Whole meeting. The City Commission shall act to amend the schedule of meetings to reflect the cancellation and reasons therefore at its next Regular Business meeting.

The City Commission may adopt rules governing the orderly conduct of meetings while permitting the electronic attendance and participation of the public during the meeting.

2. CALLING SPECIAL MEETINGS; EMERGENCY MEETINGS

- a. Notice of any special meeting called by either the Mayor or by two other Commissioners shall be posted by the City Clerk at least 18 hours in advance of the holding of the meeting and each Commissioner shall be notified of such meeting at least 12 hours before the holding thereof. (Such notice may be given by telephone or email to a phone number or email address indicated by each Commissioner as the one to be used for such purposes.) Such notice shall indicate the purpose or purposes for which the special meeting is called.
- b. The City Commission may meet in emergency sessions without posting of notice in the event of a severe and imminent threat to the health, safety, or welfare of the public when 2/3 of the Commissioners decide that delay would be detrimental to efforts to

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lessen or respond to the threat. If an emergency public meeting is held without compliance with the 18-hour posted notice requirement, paper copies of the public notice for the emergency meeting shall be available to the public at the emergency meeting. Such paper notice shall include the specific explanation of the reasons that the 18-hour posted notice requirement could not be met. Within 48 hours of after the emergency special meeting, notice of the emergency meeting and its explanation shall be posted on the City's internet website and correspondence shall be sent to the board of county commissioners by the City Clerk that an emergency public meeting with less than 18 hours public notice has taken place. In the absence of the City Clerk, the Commissioner presiding shall designate someone to keep the minutes of such emergency session.

3. AGENDA FOR REGULAR BUSINESS MEETINGS

The agenda for Regular Business meetings shall be as follows: Call to Order/Roll Call, Opening Ceremony, Adoption of Formal Agenda, Communications, Public Hearings, Consent Agenda (any and all items of business for which a separate roll call vote is not required), Regular Agenda (final reading of ordinances or any other matter for which a separate roll call vote is required), Reports and Legislation (City Clerk's Report, City Attorney's Report, City Manager's Report, Miscellaneous Reports), Unfinished Business, Policy Items, New Business , Public Comments, Commissioner Comments, Closed Session, Adjournment. A Consent Agenda Item may be moved to the Regular Agenda for individual discussion and action at the request of any Commissioner, or by anyone present in person or by electronic means at the meeting.

4. ORDER OF BUSINESS FOR SPECIAL MEETINGS & MEETINGS OF THE COMMITTEE OF THE WHOLE

a. Special Business Meetings shall be used for the purpose of discussing and taking action on items that require immediate consideration between Regular Business Meetings. a. The order of business for Special Business Meetings shall be as follows: Call to Order/Roll Call, Communications, Public Comments, Discussion Topics/Action Items, Commissioner Comments, Adjournment.

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b. The order of business for Committee of the Whole Meetings shall be Call to Order/Roll Call, Communications, Public Comments, Special Agenda Items (matters recommended for decision), Committee of the Whole (information and discussion of items on upcoming City Commission regular business meeting agendas), Work Session (presentation and discussion of study topics and community issues), Commissioner Comments, and Adjournment. This rule shall not be construed to prohibit the addition, removal, or relocation of items on the upcoming City Commission meeting agenda.

c. The agenda for Committee of the Whole Meetings shall be set by the City Manager in consultation with the Commission and/or Administrative Committee and consist of matters that may come before the City Commission at future Regular Business meetings, study topics, information on community issues and matters requiring immediate action.

d. Committee of the Whole Meetings shall be chaired by the Mayor or in his or her absence by the Vice Mayor. Parliamentary procedures will be governed by Robert's Rules of Order for Informal Consideration. In considering any matter coming before the Committee of the Whole, such may be amended, postponed until a certain time or postponed indefinitely. Minutes will be kept and approved in the course of usual business of the City Commission.

e. Public Comment at Special Business Meetings and Committee of the Whole Meetings is limited to the matters being considered by the City Commission at that particular meeting. Comments by individual speakers are limited to two minutes.

5. PROCESS FOR MAKING MOTIONS

- a. All motions shall be reduced to writing by the Clerk and shall be re-stated by the maker, if necessary, for that purpose.
- b. No motion shall be discussed until it has been seconded and then restated by the chair of the meeting.

6. PUBLIC COMMENTS

No Commissioner or other person shall speak until duly recognized by the chair, and he or she shall immediately cease speaking if ruled out of order. Speakers other than Commissioners, after being recognized, shall commence by identifying themselves-and

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indicating whether they reside in the City of Kalamazoo. Comments by members of the public at Regular Business meetings shall be limited to three minutes for each speaker unless the time is extended by the chair or by vote of the Commission. Members of the public who are physically present at the meeting shall be permitted to speak to all items on the agenda for action by the City Commission, except those votes setting a public hearing or votes on secondary motions to the main motion, except the motion to postpone indefinitely.

7. CITIZEN PROPOSALS

All written proposals by residents of the City of Kalamazoo seeking City Commission action on matters not currently being considered shall be filed with the City Clerk and shall be included in a City Clerk's agenda report within 21 days of receipt.

8. PARLIMENTARY PROCEDURE

- a. When a question is under debate, no motion shall be in order except the following, which have precedence in the order in which they are arranged from first to last:

to adjourn,
to recess,
to call the previous question,
to lay on the table,
to postpone indefinitely or to a time certain,
to commit or refer,
to substitute or amend.

A substitute motion adopted shall be deemed to dispose of the main motion. Motions to adjourn, call for the previous question, or to lay on the table shall be decided without debate. Public comments shall be allowed only on motions to postpone indefinitely.

- b. A motion to call the previous question must be seconded, is not debatable, and requires a 2/3 vote of the members present and voting to pass. If passed, its effect shall be put to an end to all debate and require an immediate vote upon the question under debate.
- c. Any member of the Commission may call for a roll call vote upon all questions which will admit thereof. A roll call shall be taken on all resolutions and appropriations of funds. A separate roll call vote shall be required to approve the City's annual budget.

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- d. The order of voting shall be rotated at each meeting so that no Commissioner votes first on every roll call.
- e. A motion to reconsider may be made at any time during the same meeting or at the first Regular Business meeting held thereafter. The motion may be made only by a member who either voted with the prevailing side or did not vote. It may be seconded by any member. No questions shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

9. ADOPTION OF ORDINANCES

It shall be the policy of the City Commission that, except for emergency measures adopted pursuant to Charter Section 13, all ordinances presented for first reading shall be held for final consideration and adoption by a separate roll call vote until the next Regular Business meeting. A material amendment to a proposed ordinance shall preclude adoption of the ordinance at the same meeting at which it was amended.

10. MEETING AGENDA GUIDELINES

- a.
- b. The following matters shall appear on the Regular Agenda portion of Regular Business meetings of the City Commission:

- Consideration and approval of the City budget;
- Consideration and approval of City-issued or City-guaranteed bonds;
- Consideration and adoption of City ordinances;
- Consideration of the acquisition or disposal of real property.

- c. The following matters shall appear on the Consent Agenda portion of Regular Business meetings of the City Commission:

- Acceptance of grants whose amount is \$25,000 or more, or whose acceptance requires approval by the City Commission. (Grants in the amount of less than \$25,000 may be accepted by the City Manager but shall be reported to the City Commission.)

11. ATTENDANCE BY PHONE/VIDEO

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Members of the City Commission who are absent from the City due to active military service shall be permitted to participate in Commission meetings by telephone or video conferencing, provided that a quorum of the City Commission is physically present at the time and place of the meeting. Commission members who desire to attend a meeting by telephone or video conference shall inform the City Manager or the designee of the City Manager at least 24 hours before the meeting so as to permit any necessary technology to be put in place to accommodate the participation of the member. City Commission members attending a meeting by telephone or video conferencing may fully participate in the meeting, including voting; however, a City Commission member shall not be permitted to participate in any closed session of the City Commission by telephone or video conferencing. A City Commission member participating by telephone or video conferencing is not permitted to chair the meeting.

12. ADVISORY BOARDS AND COMMISSIONS

Unless otherwise provided by statute, ordinance or resolution, or other special considerations apply, the following policies shall be applicable to the volunteer boards and commissions of the City:

- a. All terms of office for members of advisory boards and commissions will commence on April 1 and expire on March 31 and shall be for the term of years prescribed by the by laws of the particular advisory board or commission. All members of boards and commissions whose current terms expire on a date other than March 31 shall be extended until the March 31 following the current expiration date of their terms. New members shall officially take office at the next regular or special meeting of the board or commission.
- b. Appointments to all advisory boards and commissions shall be made by the City Commission. No member shall serve past the expiration date or his or her term unless the City Commission has, by a majority vote taken prior to the expiration of that member's term, approved that extended service for a specified length of time. In making appointment recommendations to the City Commission, boards and commissions should consider the following factors, and should document them on the nomination report form when presenting its recommendation:
 - i. Introducing new members to the advisory board process
 - ii. Ensuring that appointments represent a cross-section as to gender, race, neighborhood, etc. of the community.
 - iii. The experience and interest of applicants in the subject matter that would come before the advisory board.

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- iv. The desire to have several points of view represented.
- c. The applicant must file an application with the City Clerk prior to his or her appointment to provide adequate time for the City Commission and advisory board to review the application.
- d. The City Commission shall normally make appointments to advisory boards and commissions on the last, Regular Business Meeting of each month.
- e. No person shall be appointed to the same board or commission after having served for two full consecutive terms, but this rule shall not apply after the expiration of one-term (or the equivalent amount of time) of non-membership on that board or commission.
- f. A membership shall be deemed vacated if the member is absent from more than 50% of the regular meetings of the board or commission within any six-month period. The City Commission shall fill the vacancy by appointment, as promptly as possible.
- g. No later than two weeks after any meeting, the chair or secretary shall file with the City Clerk a draft of the minutes of that meeting and shall promptly file the approved minutes with the City Clerk.
- h. Each board or commission shall select its own methods of procedure and shall establish and publish a schedule of regular meetings that are to be held throughout the calendar year prior to January 1 of each year. Prior to March 1 of each year, every board and commission shall conduct an annual meeting to consider candidates for membership, shall review and approve the annual report for the previous year, and shall file the annual report once approved with the City Clerk.
- i. Special purpose committees established by the City Commission will be dissolved not later than the expiration of that Commission's term of office.
- j. All boards and commissions shall operate under the Open Meetings Act, and members of the public shall be afforded an opportunity to speak on any matter before the board or commission. All board and commission meeting agendas shall include a time for public comment on non-agenda items.
- k. Unless otherwise provided by statute, ordinance, or by the by-laws of a particular board or commission, or unless waived by a majority vote of the City Commission, no person shall serve on more than one board or commission at a time. All members of boards and commissions shall be residents of the City of Kalamazoo unless

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otherwise provided by statute, ordinance, or by the by-laws of a particular board or commission, in which case a majority of the members of such boards or commissions shall be City residents. The Economic Development Corporation of the City of Kalamazoo and the Brownfield Redevelopment Authority may have non-resident members who are employed by, or are affiliated with, business organizations, corporations or entities which have a significant economic impact on the City of Kalamazoo or are located within the City of Kalamazoo, provided that a majority of the members of the Economic Development Corporation Board of Directors must be City of Kalamazoo residents.

- l. Unless otherwise required by ordinance or statute, Commissioners who serve as liaisons to City Commission advisory boards and commissions shall not have voting privileges.
- m. Notwithstanding any rule or bylaw to the contrary, for all boards and commissions of the City, general public comments by individual speakers are limited to 3 minutes.

13. APPOINTMENT OF MAYOR PRO TEMPORE

The City Commissioner who is the immediate-past Vice Mayor is designated Mayor Pro Tempore. In the absence of the Mayor and Vice Mayor at the same City Commission meeting, the Mayor Pro Tempore shall chair the meeting and be addressed as Mayor Pro Tempore. This rule shall also govern any ceremonial or formal function on behalf of the City where the Mayor and Vice Mayor are both absent. (However, the Mayor Pro Tempore is not authorized to perform marriages.) In the event that a sitting City Commissioner does not qualify for designation as Mayor Pro tempore, such vacancy shall be filled by the City Commission from its members.

14. APPOINTMENT OF CITY COMMISSIONERS TO COMMITTEES AND SUBCOMMITTEES

- a. The following standing committees of the City Commission are established: the Administrative Committee; the Legislative Committee; and the Audit Committee. Within six weeks of the beginning of the Organizational Meeting required by Section 8 of the City Charter for each session of the City Commission, the City Commission shall approve the appointment of its members to standing committees.
- b. The Administrative Committee shall consist of the Mayor, Vice Mayor, and the Mayor Pro Tempore.

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- c. After the initial standing committee assignments are made, any changes in their membership must be approved by the City Commission.
- d. The Mayor, with the concurrence of a majority of the City Commission, may establish, make appointments to, and dissolve ad-hoc committees and sub-committees as necessary. Ad-hoc committees and subcommittees also may be established and dissolved by a majority vote of the City Commission.
- e. All ad-hoc committees, unless extended by the action of the next session of the City Commission at its Organizational Meeting or following the following Regular Business meeting, shall dissolve automatically at the adjournment *sine die* of the session of the City Commission which established the ad-hoc committee.

15. DISCLOSURE OF BOARD MEMBERSHIPS

The Mayor and Commissioners shall disclose their membership of all organizations, entities and clubs, regardless of whether they are voting members of board of such organization, entity or club. This requirement shall apply to membership of non-profit entities, as well as to voting membership on boards created by a governmental body or agency other than the City of Kalamazoo. Such disclosure shall be in writing and shall be filed annually by January 31 of each year with the City Clerk.

16. WAIVER OF CITY COMMISSION RULES

Any City Commission rule may be waived by a simple majority vote of the City Commission. The effect of a waiver is limited to the meeting wherein the waiver was granted.

17. AMENDING CITY COMMISSION RULES

Any City Commission rule may be amended by a majority vote of the City Commission.

18. APPLICABILITY OF RULES

These rules shall supersede any and all rules previously adopted by this Commission.

19. ROBERTS RULES OF ORDER

On all matters relative to the conduct of the Commission and the transaction of its business not covered by these rules, or the ordinances or Charter of the City, and the

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Commission shall be governed by Roberts Rules of Order, except as modified by these rules.

EFFECTIVE DATE: January 1, 2022

David F. Anderson, Mayor**SEE ALSO:**

Section 8(a) of the Kalamazoo City Charter; Resolution No. 77-145; Resolution No. 78-112; Resolution No. 91-50; Resolution No. 94-42; Resolution No. 94-60; Resolution No. 95-33; Resolution No. 96-58; Resolution No. 96-64; and Resolution No. 98-07.

HISTORY:

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|------------------|---|
| April 8, 1918 | City Commission adopted Rules and Order of Business for City Commission. |
| April 19, 1954 | City Commission adopted Resolution establishing rules and regulations for the conduct of the City Commission meetings. These rules established certain legal holidays and regular meeting time of the City Commission and the order of business and supersede the rules adopted in 1918. |
| March 12, 1956 | City Commission adopted Resolution amending Rule 1 to permit the holding of the regular City Commission meeting, from time to time, at a time other than 8:00 p.m. |
| August 20, 1956 | City Commission adopted Resolution amending Rule 3 to identify types of business under the City Clerk's Report; adding new Rule 12 to establish a policy to defer for two weeks the consideration of any application for a new liquor license or a change of persons so licensed; and adding Rule 13 establishing a policy that when any claim amounting to less than \$25.00 against the City has been referred to the City Attorney for investigation, said City Attorney shall have power to pay, deny or settle said claim without further report to said Commission. |
| February 8, 1965 | City Commission adopted Resolution adding new Rule 14 to establish policy relating to city boards and Commissions. |

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- June 24, 1968 City Commission adopted amendment to Rule 3 to include petitions under City Clerk's Report; amending Rule 5 to include citizen proposals to be left with City Clerk; amending Rule 6 to limit length of presentation by speakers other than City Commissioners adding new Rule 7 to provide citizen proposals to be submitted to City Clerk prior to Commission meeting; and, amending Rule 14 to authorize City Attorney power to pay, deny or settle claim less than \$300 and draw upon General Fund.
- February 16, 1970 City Commission adopted Resolution to amend Rule 1 to substitute Memorial Day and to include Veterans' Day; amending Rule 2 to change number of hours to notify Commissioners in advance of special meetings to 12; and amending Rule 13 to change number of weeks to hold a liquor license application to one week.
- March 7, 1977 City Commission adopted amendment to Rule 1 to convene regular meetings at 7:00 o'clock p.m.; amending Rule 2 to provide notice of special or emergency meetings; and, amending Rule 15b to extend advisory board member terms until appointments of successors.
- December 5, 1977 City Commission adopted Resolution No. 77-145 amending Rule 3 and Rule 6 concerning the order of business and citizen participation during meetings.
- July 17, 1978 City Commission adopted Resolution No. 78-112 amending Rule 3 to include City Attorney's Report under order of business.
- March 1, 1982 City Commission adopted amendment to Rule 2 to delete limitation of meeting to stated purposes; amending Rule 8 to change language; and amending Rule 15 to expand the scope of authority of the City Attorney for claims up to \$1,000.
- March 29, 1982 City Commission adopted amendment to Rule 3 to include public hearings, communications and petitions within City Clerk's Report and create Internal Auditor's Report and Legislative Report; eliminate existing Rule 5; amending Rule 9 to require 2/3 vote to call a question; amending Rule 11 to provide for reconsideration of a motion; adding Rule 12 to establish a policy for presentation of ordinance consideration; amending Rule 13 to include liquor license change of location for City Commission consideration; adding Rule 16 regarding Mayor Pro Tern; and adding Rule 17 to address majority vote requirements for disposal of city property.

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July 7, 1986	City Commission adopted new Rule 11 to include rotation of names on roll calls effective Monday, July 14, 1986.
April 6, 1987	City Commission adopted amendments to Rule 16 regarding the advisory board appointment process.
April 1, 1989	City Commission adopted Resolution No. 91-050 to provide membership on the Downtown Architecture & Urban Design Review Commission to allow employees or organizations participation in the Arcadia Creek Project.
February 21, 1994	City Commission adopted Resolution No. 94-42 to eliminate Rule 18 regarding the disposal of city real estate requiring a majority vote of the City Commission and sales being offered for first reading before final action taken by the City Commission.
March 28, 1994	City Commission adopted Resolution No. 94-60 amending Rule 16(k) to provide non-city residents to serve on the EDC.
February 27, 1995	City Commission adopted Resolution No. 95-33 amending Rule No. 15 to increase the City Attorney's scope of authority to settle claims against the City to \$2,500.00.
July 15, 1996	City Commission adopted Resolution No. 96-58 amending Rule 1, Rule 3, and Rule 14 to provide for the establishment of bi-weekly study sessions effective August 1, 1996.
August 19, 1996	City Commission adopted Resolution No. 96-64 which revised Rule No. 3 regarding the order of business for City Commission work sessions. This amendment to the policy was effective August 19, 1996.
January 20, 1998	City Commission adopted Resolution No. 98-07 which revised City Commission Rules 1 and 5 regarding the scheduling and frequencies of work sessions and to make rule language gender neutral.
January 3, 2000	City Commission approved changes which revised Rule No. 3 regarding the order of business for City Commission business meetings to incorporate the use of a Consent Agenda; and, the call to order/roll call and opening ceremony for work sessions to be identical to business meetings.

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October 28, 2002 City Commission approved changes to Rule No. 16 sections (b), (e), (g), U), and (k) dealing with Advisory Boards and Commissions. The changes to section (b) required City Commission approval for service beyond a member's appointed term. The extension must be for a specified time period. Also, this section mandated the use of the nomination report form for all appointments and re-appointments. The change to section (e) increased the amount of time a person must sit-off a board after serving two consecutive full terms from one *year* to one *term*. The change to section (g) required the chair or secretary of the board to submit meeting minutes to the City Clerk within two weeks of the meeting, in draft form if necessary. Section U) was amended to require the board and commission meeting agendas to include a time for citizen comments on non-agenda items. The changes to section (k) disallowed service on more than one advisory board at a time, unless waived by a majority vote of the city commission. Also, the listing of boards which enjoy an exception to the general residency requirement was replaced with a blanket statement that made city residency a requirement for all boards unless otherwise provided by statute, ordinance, or the bylaws of the board. The Economic Development Corporation and Brownfield Redevelopment Authority's residency exceptions were retained.

November 17, 2003 The City Commission approved changes to rule #1 changing the frequency of its meetings from every Monday evening to the first, third, and fifth Mondays of the month. The changes also included a provision specifically naming the fifth Monday as a time when work sessions and special meetings could be scheduled.

January 5, 2004 The City Commission approved amended and restated rules. The amended rules included the following structural changes: rule 1 (a) was added requiring the publication of the Commission's annual meeting schedule by January 1st of each year; the order of business for work sessions, formerly part of rule # 3, was made rule #4; rules 4-6 were renumbered to be rules 5-7 respectively; rule #7 was renumbered to be rule #5(b); rules 8-12 regarding parliamentary procedure were combined into one rule (#8); rules 13-18 were renumbered to be rules 9-14; rule 12(a) was added regarding the responsibilities of City Commission Advisory Board Liaisons; rule #15 was added regarding Commissioner involvement on ad-hoc committees and community boards, commissions and committees; rule #16 was added specifying a majority vote of the Commission to waive City Commission Rules; rule #17 was added specifying a majority vote of the Commission to amend the City Commission Rules; and rule #19 was

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renumbered to be rule #18. In terms of substantive changes, rule #3 was amended to remove references to specific items eligible to be on the Consent Agenda in favor of a more general statement; the new rule #4 was amended to provide two opportunities for citizen comments at special meetings and work sessions; the new rule #6 was amended to allow citizen comments on Regular Agenda items and items of Unfinished Business prior to the Commission voting thereon; the new rule #11 was amended to authorize the City Attorney to settle claims against the city for up to \$10,000 (formerly \$2,500); and the new rule #13 was amended to restate and clarify the appointment of the Mayor Pro-Tern.

- June 13, 2005 Rule #3 was amended to create Committee of the Whole meetings.
- June 19, 2006 The City Commission approved revisions to Rules 1, 3, 4, 6-9, 12, 14, and 15.
- December 17, 2007 Rule #3 was amended to eliminate "Citizens Comments on Non-Agenda Items" from the Regular Business Meeting agenda. Rule #6 was amended to remove the words "or discussion" from the last sentence immediately after the phrase, "Citizens shall be permitted to speak to all items on the agenda for action ..."
- September 21, 2015 Rule #1 amended to reflect City Charter amendment requiring only two regular meetings a month and to set forth the meeting cancellation procedure in the event of a natural or man-made circumstance precludes meeting. Rule #2 amended to permit email notification of special and emergency meetings and to reflect changes in the Open Meetings Act regarding special meetings. Rule #4 amended to reflect the scope of actions permitted at a Neighborhood Meeting. Rule #6 amended to remove optional 30 minute restriction on Citizen Comment portion of meeting and to clarify that Citizen Comment is not permitted on certain parliamentary and procedural matters. Rule #7 amended to correct typographical error. Rule #8 amended to bring nomenclature into conformity with Roberts Rules of Order. Rule #9 amended to reflect that a material amendment to a proposed ordinance precludes adoption of the ordinance at the same meeting. Rule #10 amended to reflect City Charter amendment changing the frequency of regular meetings and to authorize the City Manager to accept grants of less than \$25,000. Rule # 11 amended to permit attendance of City Commission members by phone or video and reflect that the authority of the City Attorney to resolve claims against the City has been moved to Policy 10.8. Rule #13 amended to correct formatting

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and spelling errors. Rule #15 amended to broaden the obligation of City Commission members to disclose membership in private organizations.

March 31, 2020 Resolution 20-22 amended Rules 1, 3, 6, and 11 to allow the City Commission to meet remotely, and members of the public to participate remotely, during the COVID-19 pandemic.

January 19, 2021 Resolution 21-12 created Rule #4A, which set the parameters and order of business for Committee of the Whole (CoW) meetings as a pilot meeting format. This new meeting format combined aspects of the special meeting, work session and existing Committee of the Whole meeting as described Rule #4, paragraph 3. Resolution 21-12 created a July 31, 2021 sunset for the new CoW format and amended the 2021 annual meeting schedule to add CoW meetings on the first and third Mondays of the month at 5:00 p.m., immediately prior to the already scheduled regular business meetings.

July 19, 2021 Resolution 21-41 extended Rule #4A through December 31, 2021 and amended the 2021 annual meeting schedule to add Committee of the Whole meeting dates from August through the end of the year.

*City of Kalamazoo, MI
Tuesday, August 1, 2023*

Chapter 2. Administration

Article X. Employee Retirement System

§ 2-252.1. Investment Committee and management of Trust Fund.

There is hereby created an Investment Committee which shall manage the assets of the system and have full power to invest and reinvest such assets, subject to the provisions of Act 314 of the Public Acts of 1965 (MCLA § 38.1132 et seq.), as amended, and any other applicable law or regulation. The Committee shall have the power to purchase notes, bonds, or other obligations of the City before or after the same are offered to the public and with or without advertising for bids. The Committee shall have power to hold, purchase, sell, assign, transfer, and dispose of any securities and investments in which any of the funds of the retirement system have been invested, as well as the proceeds of such investments and any monies belonging to the system. The provisions of this section shall be subject to such conditions and restrictions as the City Commission may from time to time impose by resolution.

§ 2-252.2. Investment Committee membership, appointment and duties.

A. Membership, appointment.

- (1) The Investment Committee shall be composed of no fewer than three members nor more than seven members, all of whom shall have a financial background and none of whom shall be participants in the system. Additionally, to avoid a conflict of interest, or the appearance thereof, no member shall be employed by or associated with (except in the capacity of outside director) any organization that provides services similar to those retained or used by the Committee. One member may be a member of the Board of Trustees of the system.
- (2) The Investment Committee members shall serve without compensation, and if any member fails to attend three consecutive regularly scheduled meetings of the Committee, unless in each case excused for cause by the remaining members, his or her office will be deemed vacated. Within 60 days of any time that the number of Committee members becomes fewer than three, the Mayor, with the consent of the City Commission, shall appoint enough new members so that the Committee consists of three members. At any time the Committee consists of fewer than seven members but more than two members, and a majority of the Committee desires the addition of one or more new members, the Mayor, with the consent of the City Commission, shall appoint new members in such number as requested by the then-existing Committee. All members shall serve three-year terms, with the exception of those who are appointed to replace those with unexpired portions of their terms; said replacement members shall serve the unexpired portion of the term, in the same manner as the office was previously filled.
- (3) The Committee shall hold meetings regularly, at least quarterly, and shall designate the time and place thereof. A majority of the Committee's membership shall constitute a quorum at any meeting of the Committee. Each member shall be entitled to one vote on each question before

B. Officers.

- C. Duties. The duties of the Investment Committee shall be as follows:

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