

**BIRMINGHAM CITY COMMISSION
MUNICIPAL BUILDING, 151 MARTIN
MONDAY, NOVEMBER 13, 2023
6:30 P.M.
SPECIAL MEETING
(WORKSHOP)**

This will be considered a workshop session of the City Commission. No formal actions will be taken. The purpose of this workshop is to participate in a discussion on Leadership Transition.

I. CALL TO ORDER

Therese Longe, Mayor

II. ROLL CALL

Alexandria Bingham, City Clerk

III. PRESENTATION & DISCUSSION

A. Introduction

B. City Commission Discussion and Comment

Attachments

- May 8, 2023 Workshop Agenda & Minutes – Process for Selecting a Mayor and Mayor Pro Tem
- Charter, Chapter III. Plan of Government, Section 5. Mayor; selection, powers
- May 30, 2023 Amendments to the Rules of Procedure for the City Commission

IV. PUBLIC COMMENT

V. ADJOURN

Should you wish to participate in this meeting, you are invited to attend the meeting in person or virtually through ZOOM: <https://zoom.us/j/655079760> Meeting ID: 655 079 760

You may also present your written statement to the City Commission, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the hearing.

NOTICE: Individuals requiring accommodations, such as mobility, visual, hearing, interpreter or other assistance, for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice), or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance. Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al [\(248\) 530-1880](tel:2485301880) por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).

**BIRMINGHAM CITY COMMISSION
MUNICIPAL BUILDING, 151 MARTIN
MONDAY, MAY 8, 2023
6:45 P.M.
SPECIAL MEETING
(WORKSHOP)**

This will be considered a workshop session of the City Commission. No formal actions will be taken. The purpose of this workshop is to participate in a discussion the Process for Selecting a Mayor and Mayor Pro Tem.

I. CALL TO ORDER

Therese Longe, Mayor

II. ROLL CALL

Alexandria Bingham, City Clerk

III. PRESENTATION & DISCUSSION

A. Introduction

B. City Commission Discussion and Comment

Resources

1. Applicable City Commission Charter Provision, Chapter 3, Section 5
2. City Commission Rules of Procedure
3. April 24, 2023 Memo
4. Information submitted by David Bloom

IV. PUBLIC COMMENT

V. ADJOURN

This meeting is open to the public and the public is welcome to attend.

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**Birmingham City Commission
Special Meeting Minutes - Workshop
Monday, May 8, 2023
6:45 p.m.**

Vimeo Link: <https://vimeo.com/822337549>

This will be considered a workshop session of the City Commission. No formal actions will be taken. The purpose of this workshop is to participate in a discussion of the Process for Selecting a Mayor and Mayor Pro Tem.

I. Call to Order

Therese Longe, Mayor

II. Roll Call

City Clerk Bingham called the roll.

Present: Mayor Longe
Mayor Pro Tem McLain
Commissioner Baller
Commissioner Boutros
Commissioner Haig
Commissioner Host
Commissioner Schafer

Absent: None

Staff: City Manager Markus; City Clerk Bingham, City Attorney Kucharek

III. Presentation & Discussion

Mayor Longe introduced the topic.

Commission discussion was as follows:

- Commissioner Boutros served two consecutive terms as Mayor during the Covid-19 pandemic, which allowed for continuity;
- Mayor Longe served as Mayor Pro Tem during Commissioner Boutros' mayorship, and is now serving a second consecutive term as Mayor;
- It may be helpful for Mayoral terms to be two years, since there is a significant learning curve;
- It would be appropriate to have a workshop before the first meeting in November to determine how the Commission wants to handle Mayoral terms;
- The Commission deliberation regarding this topic would take place in public meetings;
- It may not be appropriate to expect that every Commissioner would serve as Mayor at some point;
- Mayoral qualifications should include being hardworking, having ample time to devote to the position, having deep and broad knowledge of City government gained through years of experience, having the confidence of

fellow Commissioners, City administration, and other City boards, being able to run a meeting efficiently without fear or favor, and should be willing and able to serve;

- In certain circumstances it might be permissible for a Mayor to serve longer than two consecutive years;
- Emphasizing succession planning as part of the Mayoral terms would be appropriate;
- A Mayoral candidate should be prepared for, and committed to, the position;
- One former Mayor expressed in a personal conversation to Mayor Longe that allowing Commissioner Boutros to serve two consecutive years during the Covid-19 pandemic benefitted the City. Another former Mayor expressed to Mayor Longe in a personal conversation that they only served as Mayor because it was both customary and an honor, and that they felt in retrospect that they should not have served and that merit-based service was more appropriate;
- No other positions in the City are filled solely based on seniority;
- A Mayoral term should not be limited to a certain number of years, and rather should be based on desire, merit, and context as opposed to seniority;
- Mayors who serve more than one year in a row are able to better build and facilitate relationships, create more collaborations within the community and between communities, and learn more skills to benefit the community;
- Birmingham Mayors attend the monthly South Oakland Council of Mayors dinner, and many other municipalities' Mayors have commented that they did not interact much with the Birmingham Mayors in the past since they changed annually;
- Birmingham is a resource-rich community and could have more impact in southeast Michigan with a different Mayoral structure;
- Being a Mayor is an incredible amount of work;
- The Mayor Pro Tem role should be treated as an opportunity to train for the Mayoral position. The Mayor should keep the Mayor Pro Tem informed of the Mayoral processes and work, the Mayor Pro Tem should attend trainings and meetings relevant to the position, and the Mayor Pro Tem should solicit feedback, insight, and concerns from the community with the intent of relaying it to the Commission and Staff;
- A Mayor Pro Tem should not necessarily always become the next Mayor, as a Mayor Pro Tem or other parties may determine the Mayor Pro Tem does not have the temperament, patience, or other qualifications to serve as Mayor;
- A Mayor represents the City at events, ceremonies, and with visitors, determines how best to represent the City, aims to benefit the City's interests in a variety of contexts, leverages contacts for the benefit of the City, officiates weddings, writes and gives speeches, meets members of the community, spends a significant amount of time weekly reviewing the Commission agenda in order to know how to conduct the meeting, has at least one conversation per Commission agenda with either the City Manager or the City Attorney to clarify information, has regular conversations with the City Manager to discuss directions, priority, and approaches, provides civic education to members of the public, and regularly receives comments from members of the public and has to be mindful to engage according to the rules and norms that govern a City official;
- The Mayoral role requires approximately five to six hours during Commission meeting weeks and two to three hours during non-meeting weeks;
- The council-manager form of government is similar to an organization with a CEO and a Board. The City Manager is akin to the CEO, the Commission is akin to the Board, and the Mayor is akin to the Board Chair;
- The recording of this workshop should be made available to Birmingham schools as a civics lesson; and,
- The person serving as Mayor should strive to do so without self-interest, to the best of their ability, and to do so fairly.

The Mayor suggested that during the regular meeting a Commissioner propose that Staff draft changes to the Rules of Procedure to incorporate the workshop idea, which could be returned to the Commission for later review.

Commissioner Boutros said the Commission was undertaking these efforts to enhance the present system.

Commissioner Baller said the workshops are very beneficial and that there should be a December workshop on a

substantive topic.

Commissioner Schafer recommended that mentorship of the Mayor Pro Tem by the Mayor be one of the priorities of the role.

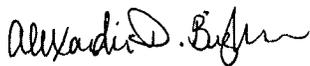
IV. Public Comment

David Bloom recommended that the Commission maintain its previous method of appointing the Mayor Pro Tem and Mayor while increasing transparency, that the Commissioners not discuss the topic individually before the November workshop, and that the Mayor Pro Tem attend more meetings with the Mayor to promote continuity.

Mr. Bloom also recommended the Commission discuss, at a future point, how public comment should be conducted for Commission items such as the City Manager report.

V. Adjourn

Mayor Longe adjourned the meeting at 7:25 p.m.



Alexandria Bingham, City Clerk



Laura Eichenhorn, City Transcriptionist

Section 5. - [Mayor; selection, powers.]

On the second Monday in November of each year, the commission shall meet at the usual place for holding the meetings of the legislative body of the city for the purpose of organization. At each of said organization meetings the commission shall elect one of its members as mayor who shall be the presiding officer of the commission and chief executive head of the city and who shall have such other powers and perform such other duties as are or may be imposed or authorized by the laws of the state, by this Charter or by the commission. He shall be the conservator of the peace and may exercise within the city the powers conferred upon sheriffs to suppress disorder. At each of said organization meetings the commission shall also elect another member of the commission as mayor pro tem, who during the mayor's absence or disability to perform his duties, shall act in his stead and shall during the time of said absence or disability exercise all of the duties and possess all of the powers of the mayor. In the absence or disability of the mayor pro tem, the commission may temporarily appoint one of its members to that office. The mayor as a member of the commission shall have the right to vote on all matters before the commission and shall possess all of the other rights and powers of members of that body. He shall not have the right to veto.

(Amend. of 11-2-99)



MEMORANDUM

City Clerk's Office

DATE: May 30, 2023

TO: Thomas M. Markus, City Manager

FROM: Alexandria Bingham, City Clerk

SUBJECT: Proposed Amendments to the Rules of Procedure for the City Commission

INTRODUCTION:

As a result of the May 8, 2023 City Commission Workshop regarding Process for Selecting a Mayor and Mayor Pro Tem, amendments to the Rules of Procedure for the City Commission are being proposed by city staff.

BACKGROUND:

At the regular City Commission meeting of December 19, 2023 Mayor Pro Tem McLain moved to propose a workshop topic on Birmingham's Mayoral Selection Process. The City Commission discussed the workshop topic on May 8, 2023 and came to the consensus to amend the Rules of Procedure for the City Commission to prescribe holding a workshop before the City Commission's regularly held organizational meeting in November.

The purpose of this November workshop would be to openly discuss the merits of the City Commissioners who would be considered for the Mayor and Mayor Pro-Tem roles. The nominations and appointment of the Mayor and Mayor Pro Tem would take place as usual in the organizational part of the regular City Commission meeting in November that follows the workshop.

LEGAL REVIEW:

Legal review has no objections.

FISCAL IMPACT:

None.

PUBLIC COMMUNICATIONS:

City Commission meeting notices are posted in accordance with the Open Meetings Act. Agendas and supporting documents are also available for the public's review on the city's website. The public is welcome to make comment at City Commission meeting and is invited to comment on any motion on the table at a Commission meeting before the vote is called.

SUMMARY:

Based on direction from the City Commission, the City Manager assigned city staff to prepare the proposed amendments to the Rules of Procedure for the City Commission to consider. The proposed amendments provide for a workshop in November to discuss the merits of City Commissioners who could be appointed to the Mayor and Mayor Pro Tem roles in an open workshop meeting. The workshop would be scheduled to take place immediately before the regular organizational meeting of the City Commission where nominations and selection of the Mayor and Mayor Pro Tem takes place.

ATTACHMENTS:

- Redlined version of the Rules of Procedure for the City Commission
- Clean version of the Rules of Procedure for the City Commission
- [December 19, 2023 City Commission Regular Meeting Minutes](#)
- [May 8, 2023 December 19, 2023 City Commission Workshop Meeting Minutes](#)

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve the proposed amendments to the Rules of Procedure for the City Commission.



RULES OF PROCEDURE FOR THE CITY COMMISSION

Open Meetings

Regular meetings and special meetings of the Birmingham City Commission, which are normally held in the Commission Room of the Municipal Building, 151 Martin Street, shall be open to the public, in compliance with the Michigan Open Meetings Act.

It is the desire of the city commission to conclude all business not later than 11:00 PM. The commission will consider this goal during their deliberations.

Closed Sessions

All meetings of the Commission shall be open to the public and shall be held in a place available to the general public. A closed session, a meeting or part of a meeting that is closed to the public, may be called for the permissible purposes included in the Open Meetings Act (Act 267 of 1976 as amended). Examples of such purposes include personnel evaluation, collective bargaining, purchase or lease of real property, and pending litigation.

Agenda

The Commission Meeting Agenda, including minutes, warrants, correspondence and reports shall be distributed to the City Commission on or before the Friday prior to the meeting date. Agendas shall also be made available for public review in the City Clerk's Office and on the City website. Minutes shall not normally be read as part of the meeting.

Minutes

The minutes shall include the mandatory information as required by the Open Meetings Act 267 of 1976; Section 15.269. The minutes shall reflect an overview or brief summary of the subject matter and any Commission comments that may have had an effect on the outcome. Commission comments may include a summary in support or opposed and discussion which may be relevant for future reference.

The minutes shall include a participating citizen's name and position on an issue when there is public comment during the commission meeting in all of the following instances: (1) a public hearing, (2) an agenda item or (3) recognition of citizens in the audience.

Presiding Officer

On the second Monday of November annually, the City Commission shall meet at a special workshop prior to the regular City Commission meeting, in order to discuss the selection of one of its members to serve as Mayor, who shall be the presiding officer of the Commission. At the workshop, the City Commission will discuss the qualifications, characters, willingness and abilities of particular commissioners to serve as Mayor. At the regular meeting, the City Commission shall enter into a motion and vote as to the election of the Mayor.

The Mayor shall preside at all meetings of the City Commission, and be the Chief Executive head of the City and shall have other powers and perform other duties as are or may be imposed or authorized by the laws of the State, by the City Charter, or by the Commission. He or she shall be the conservator of the peace and may exercise within the City the powers conferred to suppress disorder. In the absence or disability of the Mayor, the Mayor Pro-Tem shall preside. In the absence or disability of both the Mayor and the Mayor Pro-Tem, the Commission shall elect one of its members to act as presiding officer.

The Mayor shall possess all the rights and powers of any other Commissioners; he or she shall not have the right of veto.

At the same workshop the City Commission shall discuss the qualifications, characters, willingness, and abilities to elect another member of the Commission as Mayor Pro-Tem. At the regular meeting, the City Commission shall enter into a motion and vote as to the election of the Mayor Pro-Tem, who in the absence or disability of the Mayor shall act in his or her stead and shall during the time of such absence or disability exercise all of the duties and possess all of the powers of the Mayor.

In the absence or disability of the Mayor Pro-Tem, the City Commission may temporarily appoint one of its members to that office.

The Mayor and Mayor Pro-Tem, as a member of the City Commission, shall have the right to vote on all matters before the Commission; however he or she shall not have the right to veto.

Conduct of Business

Commission Meetings shall be governed by the rules contained in the most recent edition of Robert's Rules of Order, Newly Revised in all instances in which they are applicable and not inconsistent with the statutes of the United States or the State of Michigan, or with the Charter or adopted of the City of Birmingham or these Rules of Procedure.

Commissioners should be recognized by the presiding officer before speaking.

Commissioners' Attendance at Boards and Committees

It is the decision of the Commission that to avoid the appearance of or a possibility of potential influence or duress upon appointees, or to avoid the possibility of violating the OMA, commissioners shall refrain from appearing at various boards and committees in person or with their names addressed upon remote attendance. Exceptions may occur upon presentation and vote of the entire Commission.

Voting

Birmingham's City Charter states that four members of the City Commission shall constitute a quorum; that the Commission shall act only by ordinance or resolution, that is, an official action in the form of a motion; and that a minimum of four votes shall be required to adopt any such motion.

For all Boards, Commissions or Committees appointed by the City Commission the minimum number of votes shall be the same as the quorum number for that body. State statute, City of Birmingham Charter or ordinance may require a larger number of affirmative votes to approve certain actions for either the City Commission or appointed Boards.

The City Commission may take action on any motion either by voice or by roll-call vote. A roll-call vote shall be taken if requested by any Commissioner, the City Clerk, or any member of the public in attendance.

A motion may be amended or modified by combining the original motion and the modifications in one motion, provided all City Commission Members agree to include the "friendly amendment" in the original motion.

A Commission member may abstain from voting on a motion if he or she: 1) has a

conflict of interest; or 2) lacks sufficient information about the issue to be decided. Any Commissioner who abstains from voting on a motion shall state, for the record, at the outset of the discussion both his or her intention to abstain and reason for doing so. Should the need to abstain become clear during discussion, the member shall state his or her intention at that time. The Commissioner shall then be prohibited from participating in any further discussion or debate on the issue.

After a motion has been voted upon, any Commissioner who voted on the prevailing side may move to "reconsider" said motion at the same meeting, or at the next regularly scheduled meeting, provided no action has been taken as a result of the previous vote.

General consent or consensus (in lieu of a motion) may be used to give direction. In this case, the minutes shall indicate that a majority consented.

Citizen Participation

During any City Commission meeting, any person may question or comment upon any specific agenda item at the time the City Commission considers that item.

The public shall also be invited to make comments on any item not on the meeting agenda under the agenda item, "Meeting Open To The Public For Items Not On The Printed Agenda."

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Speakers may be requested to limit their comments so as to provide opportunities for comments from all interested persons. In particular, no member of the public shall normally be permitted to speak a second time on the same issue until all others wishing to make a presentation on the subject have had an opportunity to do so.

If any person becomes loud or unruly, the presiding officer may rule that person out of order and may forfeit that person's opportunity to speak further. A person may also be expelled from the meeting for breach of the peace.

Commission Vacancies

If a vacancy occurs on the City Commission, it shall be filled by a vote of the remaining Commissioners (not including the member who is vacating his or her seat). The vote to fill a vacancy shall be taken during a public meeting held within the time prescribed by State Law. Candidates for a vacant seat need not have previously served on, nor

sought election to, the Commission.

The person selected to fill a vacancy shall serve only until the next following general election, at which time any remaining unexpired term shall be filled by the voters.

Appointment Procedures

No member of the City Commission shall serve on any Board of the City of Birmingham, except the Retirement System, unless membership is required by Michigan Statute or the Birmingham City Charter.

When the City Commission desires to fill a vacancy on an appointed City of Birmingham Board, Commission or Committee, the City Clerk shall give notice to the public by publishing the intent to fill the vacancy on the City website.

If the number of persons nominated for appointment to a City Board, Commission or Committee does not exceed the number of positions to be filled, the City Commission may use a voice vote. If the number of nominations exceeds the number of positions to be filled, nominees shall be voted upon in the order in which they were nominated, either by voice or by roll-call vote.

If no nominee receives the required four votes for appointment, the process of nomination and voting may be repeated either at the same meeting or at a subsequent meeting. If the Commission desires, the position may be re-noticed.

Requests for members of the City Commission to serve on non-city bodies shall be given to the Mayor, who shall make such information available to all Commissioners. Members shall indicate their interest in such positions to the Mayor and the appointment shall officially be made at a public meeting.

Amendment or Suspension of the Rules of Procedure

These rules may be changed at any meeting of the City Commission by a majority vote with notice at the previous meeting or by a 2/3 vote (5) without notice.

Drafted by Eleanor A. Siewert, Birmingham City Commissioner - June, 1991

Revised June 28, 2004, April 8, 2013, August 26, 2013, December 13, 2021, May 18, 2023



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