



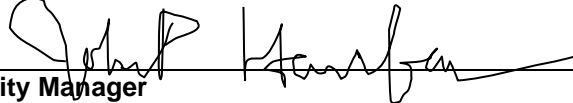
Agenda Item Summary

Meeting of: July 6, 2021

Agenda Item Title: Complaint Filed Against Council Member Iannelli

Submitted by: John P. Hanifan

Approved for submittal:


City Manager

Explanation of Agenda Item: The City received a complaint filed against Council Member Iannelli. The complaint is attached.

The City Council Rules/Ethics and the City Charter have sections that cover ethical standards and/or misconduct in office, including the format for reviewing complaints.

Fiscal or Resource Considerations:

Does this agenda item require the expenditure of funds? YES NO

If YES, are funds budgeted? YES _ NO

Are staff or other resources required? _ YES NO

City Manager Recommended Form of Motion: Council should set an informal hearing for July 19th to discuss the complaint and determine next steps if necessary. The following motion is suggested:

Motion to set an informal hearing for Monday July 19th, 2021 to discuss the complaint and determine next steps if necessary.

Names and addresses of those to be notified:

Attachments:

Complaint

City Council Rules

City Charter Chapter VI, Section 6.8

Clerk's Office by 4:00 p.m. on the Wednesday prior to the City Council meeting. If the Wednesday prior to the City Council meeting is a holiday, then the submission deadline is 4:00 p.m. on Tuesday.

John Hanifan

From: Michele Balaka <jmbalaka@yahoo.com>
Sent: Tuesday, June 15, 2021 4:45 PM
To: John Hanifan
Subject: File a complaint

I would like to file a complaint about a city council member who was part of a group on Facebook that targeted local businesses. It is a conflict of interest to be part of a biased group such as this one which has the goal "to silence conservative voices in prominent positions." I was a victim of this group. It was horrible. Tony Iannelli belongs to this group and should be removed from city council immediately. (City council motion 3/1/22 conduct policy)



Sent from my iPhone

RULES OF THE CITY COUNCIL

Updated March 1, 2021

A. REGULAR AND SPECIAL MEETINGS

All meetings of the City Council will be held in compliance with state statutes, including the **Open Meetings Act**, Public Act 267 of 1976 as amended, and with these rules.

1. Regular Meetings

Regular meetings of the City Council will be held on the 1st and 3rd Monday of each month beginning at 7:00 PM at the Council Chamber at 311 S. Main, Chelsea, Michigan, or such other location as may be noticed in accordance with Section 3, hereafter.

2. Special Meetings

A special meeting shall be called by the City Clerk upon the written request of the Mayor or any three members of the Council on at least 24 hours written notice to each member of the Council served personally or left at the council member's usual place of residence. No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting.

3. Posting Requirements for Regular and Special Meetings

- A. After the first meeting of the Council following the November election a public notice stating the dates, times, and places of the regular council meetings will be posted at the City Offices.
- B. For a rescheduled regular or a special meeting of the council, a public notice stating the date, time and place of the meeting shall be posted at least 18 hours before the meeting at the City Offices.
- C. However, such notice, as described above, is not required for a meeting of the Council in emergency session in the event of a widespread natural disaster or a severe and imminent threat to health, safety or welfare of the public where two-thirds of the members of the Council determine that delay would be detrimental to the City's efforts in responding to the threat.

4. Minutes of Regular and Special Meetings

- A. In accordance with Section 6.7 of the Charter of the City of Chelsea, a journal in the English language, of the proceedings of

each meeting shall be kept by the clerk, and shall be signed by the presiding officer and clerk of the meeting.

- B. A copy of the minutes of each regular or special Council meeting shall be available for public inspection at the City Offices during regular business hours after the minutes are signed by the Clerk.

5. Study Sessions

A study session may be called under the same requirements as a Special Meeting. A study session shall be a meeting held pursuant to the Michigan Open Meetings Act. An agenda will be provided on all items to be discussed and shall serve as the official minutes of the study session. The purpose of the study session is to allow detailed consideration and discussion of agenda items. No further business shall be conducted nor shall motions be made at a study session. Discussion on agenda items may proceed in absence of a quorum.

B. CONDUCT OF MEETINGS

1. Meetings to the Public

All regular and special meetings of the City Council shall be open to the public, and citizens shall have a reasonable opportunity to be heard in accordance with such rules and regulations as the Council may determine.

2. Agenda Participation

An agenda for each regular council meeting shall be prepared by the City Manager with the assistance of the City Clerk with the following order of business:

- A. Call to Order
- B. Pledge of Allegiance
- C. Approval of Consent Agenda Items
- D. Approval of Regular Agenda
- E. Citizen Agenda Items
- F. Public Comments
- G. Awards, Presentations & Proclamations
- H. Public Hearings
- I. Council Business
- J. Council Reports
- K. Closed Session
- L. Adjournment

Council members shall have the right to add items to the regular agenda before it is approved. However, Council members are encouraged to contact the City Manager before the meeting with items they would like added to the agenda. The additional of any item, by council or staff, that includes an expenditure of funds that is not in the approved fiscal year or that may put the City in and adverse financial situation, may be presented for discussion, but approval may be delayed until the next regular council meeting.

3. Consent Agenda

Council may use a consent agenda to allow the Council to act on numerous administrative or non-controversial items at one time. Items that could be included on this agenda include non-controversial matters such as approval of minutes, payment of bills, approval of recognition resolutions, etc. Any member of Council may request that an item be removed from the consent agenda and placed on the regular agenda for discussion.

4. Agenda Distribution

The Clerk or his/her designee shall distribute Council Agendas to the following:

- Mayor and Council Members
- Department Heads
- ~~Washtenaw Now~~
- Chelsea Update
- Suntimes News

5. Quorum

Four members of the Council shall constitute a quorum for the transaction of business at all Council Meetings. In the absence of a quorum, a lesser number may adjourn any meeting to a later time or date with appropriate public notice.

6. Presiding Officer

The presiding officer shall be responsible for enforcing these rules of procedure and for enforcing orderly conduct at meetings (and may appoint a sergeant at arms). The Mayor is ordinarily the presiding officer. The City Council shall appoint one of its members Mayor pro tempore, who shall preside in the absence of the Mayor. In the absence of both the Mayor and Mayor pro tem, the Council shall appoint one of its members to preside.

7. Sergeant at Arms

The City Police are appointed the sergeant at arms for all City Council meetings.

C. CLOSED MEETINGS

1. Purpose

Closed meetings shall be held only for the reasons provided in the Open Meetings Act, which are the following:

- A. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member, or individual agent **when the named person requests a closed meeting.**
- B. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement **when either negotiating party requests a closed hearing.**
- C. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
- D. To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but **only when an open meeting would have a detrimental financial effect on the litigation or settlement position of the Council.**
- E. To review the specific contents of an application for employment or appointment to a public office **when a candidate requests that the application remain confidential.** However, all interviews by a public body for employment or appointment to office shall be held in an open meeting.
- F. To consider material exempt from discussion or disclosure by state or federal statute.

2. Calling Closed Meetings

A two-thirds roll call vote of the Council members elected or appointed and serving shall be required, except under Sections A and B above. The roll call vote and purpose or purposes for calling the closed meeting shall be entered into the minutes of the meeting at which the vote is taken.

3. Minutes of Closed Meetings

A separate set of minutes shall be taken by the Clerk or the designated Secretary of the Council 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. 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.

D. DISCUSSION AND VOTING

1. Rules of Parliamentary Procedure

The rules of parliamentary practice as contained in the latest edition of **Roberts Rules of Order** shall govern the Council in all cases to which they are applicable, provided that they are not in conflict with these rules, the ordinances of the City of Chelsea or State Statutes applicable to the City of Chelsea. **Roberts Rules of Order** are not applicable to motions to reconsider tie votes or to actions on administrative proceedings where the City council acts as a quasi-judicial body, such as, a Board of Appeals or variance appeals.

The Chair shall decide all questions arising under this parliamentary authority and shall be subject to appeal, which shall be determined by a majority of the council members present. The Chair shall preserve order and decorum and may speak to points of order in preference to other council members.

During the Council discussion and debate, no member shall speak until recognized for that purpose by the Chair. 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 raised by another member. Speakers should address their remarks to the chair, maintain a courteous tone, and avoid interjecting a personal note into the debate.

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. The Chair, at his or her discretion and subject to the appeal process mentioned in the preceding section, may permit any person to address the council during its deliberations. Persons invited by a council member to be present and to address the Council during its deliberations are not required to obtain the permission of the Chair. All other persons desiring to address the Council during its deliberations on a specific item, must request of the chair the privilege to address the Council on that item before or during the audience participation section of the agenda.

2. Conduct of Discussion – Rules of Engagement

Rules of Engagement are the protocol for the City Council interactions and communications with the prescribed individuals and categories of people with whom they direct, interact with, and serve.

These rules are not intended to discourage free discussion and communication with the City Council or individual members thereof. Rather they establish a code of decorum intended to facilitate and enhance the effectiveness of those communications, and to ensure that the policies and directives of the City Council are carried out timely, accurately and efficiently.

Guiding Principles of Communication

The City Council shall adhere to high levels of professionalism and ethical standards, both individually and as a Council, in all its communications and interactions both formal and informal within their official capacities. These communications will be guided by the following general principles:

The City Council commits to treat all individuals who appear before them or do business with or on behalf of the City with respect, courtesy, honesty and integrity.

The City Council shall strictly adhere to and abide by the requirements of the Michigan Open Meetings Laws and strive for complete transparency and accountability in its decision making and conduct of day-to-day City business.

Direction and decision-making by the City Council shall occur as a council. Individual members of the Council shall not attempt to exercise independent authority over the City Manager, City Attorney, director, official or employee thereof.

Communication By and Between Council Members

The City Council holds itself to the highest standards of honesty and integrity and commits to abide by both the spirit and the letter of the Chelsea City Code of Ethics (Employee Handbook, Section 2). The City Council recognizes that the actions of one City Council member can affect the reputation and integrity of the City Council as a whole. If a City Council member suspects a violation of City Council policy or applicable

law by another City Council member, s/he shall bring the matter to the attention of the City Council member and the City Council, and work to resolve the matter expeditiously.

If an interpersonal conflict or problem develops amongst individual members of the City Council, initially, such members shall work with only the people involved and strive to settle the conflict or problem in a constructive manner.

Full disclosure and communication amongst City Council members is necessary to enable the City Council to work together to advance the interest of Chelsea City citizens, taxpayers, and government. To insure that all City Council members are informed, the City Council commits to promptly communicate with one another concerning issues affecting the integrity, interests, and/or operation of Chelsea City government.

Citizen trust in government is critically important, and the City Council recognizes that a key to building and maintaining that trust is to place a high value on respecting other City Council members and those with whom the City Council works and serves. To that end, the City Council agrees to communicate openly with one another, to take others' concerns seriously, to work together as a team, and to make an effort not just to listen but to try to understand the points of views of others.

Members of the City Council must represent unconflicted loyalty and accountability to the interests of all citizens of Chelsea City. City Council members will respect and support the legitimacy and authority of all City Council decisions, regardless of any City Council member's personal position on a matter.

Compliance by Council Members -Disciplinary Measures

This policy is intended to encourage and promote the highest standards of ethical conduct and behavior by members of the Chelsea City Council and the Council has the right to enforce its rules and expect ethical and honorable conduct from its members.

The Chelsea City Council has the right to enforce its rules. The action can include, but not limited to, removing a member from the Council Chambers, censure, and holding a trial.

3. Ordinances and Resolutions

A vote on all ordinances and resolutions shall be taken by a roll call vote and entered into the minutes unless it is a unanimous vote. If the vote is unanimous, it shall be necessary only to so state in the minutes.

4. Roll Call and Abstention

In all roll call votes, the names of the members of the Council shall be called.

No member of the Council shall vote on any question in which he or she has a direct or indirect financial interest other than the common public interest or on any question concerning his own conduct. On all other questions, each member who is present shall vote when his or her name is called unless excused by the unanimous consent of the remaining members present.

5. Results of Voting

In all cases where a vote is taken, the Chair shall declare the results.

It shall be in order for any council 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 council, except in the case of tie votes, when any member may move for reconsideration. When a motion to reconsider fails, it cannot be renewed.

E. CITIZEN PARTICIPATION

1. General

Each Council meeting agenda shall provide for reserved time for audience participation, if requested, in addition to an opportunity for general audience participation.

2. Reserved Time Participation

Any person or group wishing to make an oral communication to the Council and notifying the City Clerk or Manager not later than 3:00 p.m. on the day of a council meeting will be granted up to five minutes reserved time. A group may reserve time without indicating any specific speaker.

The presiding officer shall have discretion to allow a member of the audience to speak, if requested by a member of the Council.

3. Length of Presentation

All presentations before the City Council shall be limited to five minutes in length per individual presentation. The Clerk will maintain the official time and notify the speakers when their time is up.

4. Addressing the Council

Persons addressing the City Council should state their name and home address. They should confine discussion to the question at hand and to its merits. Speakers should address their remarks to the chair, maintain a courteous tone, and avoid interjecting a personal note into the debate. 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.

5. Non-reserved Audience Participation

Any person who wishes to speak and who did not reserve time may speak at this point on the agenda. All rules of conduct still apply.

6. Public Hearing

The provisions in paragraph 2 above shall not apply to declared public hearings, during which members of the audience may address the Council upon the subject of the public hearing.

F. MISCELLANEOUS

1. Adoption and Amendment of Rules and Procedure

The rules of procedure of the City Council will be reviewed and adopted at the first meeting of the Council following the seating of the Council members elected in November. A copy of the rules adopted shall be distributed to each council member.

2. Suspension of Rules

The rules of the City Council may be suspended for a specific portion of a meeting by a majority of the members present except that council actions shall conform to state statutes and to the Michigan and the United States Constitution.

3. Bid Award and Bid Openings

Bid openings will take place as advertised in the request for bids. A recommendation will be made to the City Council from the City Manager, City Department Head and/or the City Consultant following the reviewing of the bids.

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

4. Boards, Committees, and Commission Appointments

City Boards and Commissions will be filled by an application process:

- A. All open positions will be posted on the City website and will state the application period.
- B. The applications are to be submitted to the Office of the City Clerk and are due by 12:00 p.m. on the date of closing.
- C. City Clerk will acknowledge receipt of application.
- D. Applications will be reviewed for eligibility and then distributed to all members of City Council.
- E. The appointment process will take place at a City Council meeting, at which time applicants may be asked questions by the City Council.
- F. The appointment process will be a part of the City Council's regular agenda and all eligible applications will appear in the Council packet.
- G. City Council will discuss recommendations, may make nominations, and will vote on appointments in accordance with the Charter of the City of Chelsea, Chelsea city ordinances, and Michigan state statutes.
- H. City Clerk will notify applicant of final disposition.
- I. The application period will start 30 days prior to the expiration of the existing term. The 30 day period starts at the end of the existing term. (City Council motion - 01/17/17)
- J. Applicants must be City of Chelsea residents, with the exception of the Downtown Development Authority which is chartered separately by state law. (City Council motion - 01/17/17)

The following chart outlines the appointment process for City Boards, Committees and Commissions according to State law, City charter and City ordinances. This document should be reviewed periodically to ensure consistency with any and all legislative updates.

Appointment Process Reference Chart

Board, Committee, Commission	Existing Language	Document Reference
Planning Commission	Appointed by chief elected official (Mayor) subject to majority vote of Council.	State Law, City Charter 7.12
Downtown Development Authority	Appointed by chief elected official (Mayor) subject to majority vote of Council	State Law
Zoning Board of Appeals	Under state law Council is authorized to make appointments	State Law, City Charter 7.12
Human Rights Commission	Members approved by City Council	Chelsea Ordinance 175, City Charter 7.14
Parks and Recreation	Council may create such entities as may be needed for public health, safety and well-being, including but not limited to parks and recreation, transportation, technology and historic district	City Charter 7.14
Board of Review	Appointed by the Mayor with the advice and consent of the Council	City Charter 10.7

G. COMMUNICATIONS (City Council Motion 03/01/21)

1. Council Members shall adhere to the City’s Social Media Policy; and
2. Official communications of the City and its Boards, Commissions and Committees shall be written in conjunction with and issued by City administration.

H. CONDUCT (City Council Motion 03/01/21)

The following policies supplement the City’s Charter, Ordinances, and Oath of Office:

- Role of City Council Members with Respect to City Boards, Commission, and Committees: Council Members shall, except when the Council Member is a member of the public body, limit their participation in the proceedings of a City Board, Commission, and/or Committee to providing guidance on the City’s Charter, ordinances, policies and processes and providing factual information relevant to the discussion at hand. Council Members shall not otherwise attempt, whether in or outside of a proceeding, to unduly influence the actions, deliberations or outcomes of the Boards, Commissions, and Committees. The Council liaison to the Boards, Commissions,

and Committees shall act as the point of contact between Council and the Board, Commission, and Committee.

- Full Disclosure

1. A City Council Member in the performance of his/her public duties shall not act upon any matter in which s/he has a material financial interest, or where s/he has a legal or fiduciary duty to another organization or entity or personal relationship that may give the appearance of a conflict of interest, without disclosing the full nature and extent of the interest to the other members of the City Council on the official record. Such disclosure must be made before the time to perform his/her duty. The Council Member shall not engage in any substantive discussion of or vote on the matter prior to making the required disclosure.
2. A City Council Member shall disclose on the official record any affiliation or membership with any organization that appears before or is actively involved in a matter pending before the Council or Board, Commission, or Committee. Such disclosure must be made before the time to perform his/her duty. The Council shall not engage in any substantive discussion of or vote on the matter prior to making the required disclosure.
3. The disclosures required by this subsection shall not supplant, but instead shall supplement, any disclosure of a personal, contractual, financial, business, employment, or pecuniary interest required by state statute or city ordinance.

- Advocacy:

1. City Council Members shall represent the official policies or positions of the City Council to the best of their ability when designated as representatives of City Council. When presenting their individual opinions and positions, City Council Members shall state that any such opinions or positions are solely their own and neither state nor imply that they represent the opinions or positions of the City Council or the City of Chelsea.
2. City Council Members are not authorized to make commitments or promises of any kind purporting to bind the City Council or the City. Said commitments can occur only after full discussion and majority vote of City Council.

- Compliance with the Law: City Council Members shall comply with both the spirit and letter of the laws of the United States, the State of Michigan, and the City of Chelsea in the performance of their duties. These laws include, but are not limited to: the United States and Michigan constitutions; the Charter of the City of Chelsea, state and federal statutes; and City ordinances and policies. City Council Members must adhere and follow all laws and not act outside the scope of their defined authority.
- Honesty: City Council Members shall act in good faith and shall not misrepresent facts, laws, or processes where such is ascertainable and/or verifiable.

CHAPTER VI

COUNCIL: PROCEDURES, POWERS AND DUTIES

Section 6.1 REGULAR MEETINGS

- a) The council shall provide for the time and place of its regular meetings and shall hold at least two (2) meetings each month, except for December.
- b) The City of Chelsea does not discriminate on the basis of disability in the admission or access to or treatment of employment in its programs or activities. The City of Chelsea shall provide aids or services for the assistance of individuals with speech, vision, hearing or other impairments as provided by statute. Individuals desiring such assistance should contact the city clerk twenty-four (24) hours prior to attendance.

Section 6.2 SPECIAL MEETINGS

Special meetings of the City Council shall be called by the clerk on the written request of the mayor, or any three (3) members of the council by written notice to each member of the council served personally or left at his or her usual place of residence no less than 18 hours prior to the time of such meeting. The City Council may meet in emergency session on shorter notice in the event of a severe and imminent threat to the health, safety or welfare of the public and under all other circumstances provided for in Section 5 (5) of MCL 15.265, when two-thirds (2/3) of the membership serving on the Council shall decide that delay would be detrimental to the efforts to lessen or respond to the threat.

Section 6.3 BUSINESS OF SPECIAL MEETINGS

No business shall be transacted at any special meetings of the council unless the same shall have been stated in the notice of such meetings. However, any business that might lawfully come before a regular meeting may be transacted at such special meeting if all the members present consent thereto and not in conflict with this charter.

Section 6.4 MEETINGS TO BE PUBLIC

All meetings of the City Council shall be held in compliance with the Open Meetings Act of 1976 PA267, MCL 15.261 to 15.275.

Section 6.5 QUORUM

Four (4) members of the council shall be a quorum for the transaction of business at all meetings of the council. In the absence of a quorum, any number of members less than a quorum may adjourn any regular or special meeting to a later date.

Section 6.6 ATTENDANCE; CONDUCT; SERGEANT-AT-ARMS CHARTER OF THE CITY OF CHELSEA, MICHIGAN- 2003

- a) Any three 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. Any members of the council or other officer, who when notified of such request for his or her attendance, fails to attend such meeting for reasons other than confining illness or extenuating circumstances shall be deemed guilty of misconduct in office unless excused by the council.
- b) The presiding officer shall enforce orderly conduct at meetings and any councilperson or other officer who shall fail to conduct himself or herself in an orderly manner at any meeting shall be deemed guilty of misconduct in office.
- c) Any police officer designated by the presiding officer of the meeting shall serve as the sergeant-at-arms of the council in enforcement of the provisions of this section.

Section 6.7 ORGANIZATION, RULES AND ORDER OF BUSINESS

Each council shall determine its own organization, rules and order of business subject to the following provisions:

- a) A journal in the English language, of the proceedings of each meeting shall be kept by the clerk, and shall be signed by the presiding officer and clerk of the meeting.
- b) 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.
- c) Except as otherwise provided by 1968 Public Act 317, being MCL 15.321, regarding Public Contracts involving members of Council, members of the Council shall vote on any question in which he or she has a financial interest, other than one of common public interest, or on any question concerning his or her own conduct, on all other questions each member who is present shall vote when his or her name is called unless excused by the majority consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph may be guilty of misconduct in office.
- d) In all roll call votes the names of the members of the council shall be called in alphabetical order, and the name to be called first shall be advanced on position alphabetically in each successive roll call.
- e) Any standing committee of the council shall be composed of at least two members. The council shall not assign the administration of any department or agency of the city to any member or committee of the council.

Section 6.8 INVESTIGATION INTO CONDUCT OF OFFICE, EMPLOYEE, ETC; POWER TO SUMMON AND COMPEL ATTENDANCE OF WITNESS AND PRODUCTION OF EVIDENCE.

- a) The council or any person or committee authorized by it for the purpose, shall have power to inquire into the conduct of any department, office, officer or employee of the city and to make investigations as to matters in which the municipality has an interest. The council, for the purposes stated herein, may summon witnesses, administer oaths, and compel the attendance of witnesses and the production of books, papers, and other evidence.

- b) Failure on the part of any officer to obey such summons or to produce books, papers, and other evidence as ordered under the provisions of this section shall constitute misconduct in office. Failure on the part of any employee to obey such summons or to produce books, papers, or other evidence as ordered under the provisions of this section, shall constitute a violation of this charter and such employee when found guilty of such violation by a court with proper jurisdiction may be punished by a fine of not to exceed five hundred dollars, or imprisonment not to exceed ninety days, or both, at the discretion of the court.
- c) It is provided further that, in case of failure on the part of any person to obey such summons or to produce such books, papers, and other evidence as so ordered, the council may invoke the aid of the Circuit Court of Washtenaw County in requiring obedience of such summons or production of such books, papers, and other evidence.

**Section 6.9 PUBLIC PEACE, HEALTH AND SAFETY, COMPOSITION AND
POWERS OF BOARD OF HEALTH**

The council shall see that provision is made for the public peace and health, and for the safety of persons and property.