



PROPOSED AGENDA
SPECIAL MEETING OF THE LAKE ODESSA VILLAGE COUNCIL
MONDAY, NOVEMBER 25, 2024 - 5:00 P.M.
Page Memorial Building
Village Council Chambers
839 Fourth Avenue, Lake Odessa, Michigan 48849

I. Call to Order

II. Pledge of Allegiance

III. Roll Call of Council Members

IV. Approval of Agenda

V. Public Comment:

Under the Open Meetings Act, any citizen may come forward at this time and make comment on items that appear on the agenda. Comments will be limited to three minutes per person. Anyone who would like to speak shall state his/her name and address for the record. Remarks should be confined to the question at hand and addressed to the chair in a courteous tone. 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.

VI. Minutes: To approve the meeting minutes from the following Village Council meetings:

- a) Minutes from the Committee of the Whole Session of November 18, 2024
- b) Minutes from the regular Village Council meeting of November 18, 2024

VII. Departmental Reports:

- a) None

VIII. Presentations:

- a) None

IX. New Business:

- a) Select President Pro Tem
- b) Proposed Resolution 2024-60: Approval to Re-Adopt Village Council Rules of Procedure
- c) Proposed Resolution 2024-61: Adopt a Code of Ethics and Conduct for Elected and Appointed Officials
- d) Discuss Filling Village Council Vacancy
- e) Consider recessing to closed session for the purpose of reviewing applications received for the Village Manager position pursuant to Section 8(f) of Act 267 of 1976, as amended.

X. Miscellaneous Correspondence:

- a) None

XI. Trustee Comments

XII. Public Comment (See Above)

XIII. Closed Session

XIV. Adjournment

Council Meeting Minutes

VILLAGE OF LAKE ODESSA

MINUTES

COMMITTEE OF THE WHOLE MEETING
NOVEMBER 18, 2024
PAGE MEMORIAL BUILDING
839 FOURTH AVENUE
LAKE ODESSA, MICHIGAN 48849

Meeting called to order at 6:00 pm by Village President Karen Banks.

ROLL CALL

Council present: President Karen Banks, Trustee Mike Brighton, Trustee Terri Cappon, Trustee Carrie Johnson, Trustee Martha Yoder, Trustee Rob Young

Council absent: None

Staff present: Manager Gregg Guetschow, Clerk/Treasurer Kathy Forman

Guests: Ben DeJong, Bob Green

PUBLIC COMMENT

None

DISCUSSION ITEMS

- a) Council Governance Training

Village Manager Guetschow gave a presentation for all council members.

ADJOURNMENT

Without objection the meeting adjourned at 7:05 pm.

Respectfully submitted,

Kathy S. Forman
Village Clerk / Treasurer

VILLAGE OF LAKE ODESSA

MINUTES

REGULAR COUNCIL MEETING
NOVEMBER 18, 2024
PAGE MEMORIAL BUILDING
839 FOURTH AVENUE
LAKE ODESSA, MICHIGAN 48849

Meeting called to order at 7:08 pm by Village President Karen Banks.

ROLL CALL

Council present: President Karen Banks, Trustee Mike Brighton, Trustee Terri Cappon, Trustee Carrie Johnson, Trustee Martha Yoder, Trustee Rob Young

Council absent: None

Staff present: Manager Gregg Guetschow, Clerk/Treasurer Kathy Forman

APPROVAL OF THE AGENDA

Motion by Young, supported by Johnson, to approve the agenda. All ayes; motion carried 6-0.

PUBLIC COMMENT

None

MINUTES

Motion by Young, supported by Cappon, to approve the minutes from the Committee of the Whole session of October 21, 2024 and the regular Village Council meeting of October 21, 2024. All ayes; motion carried 6-0.

BILLS

Motion by Yoder, supported by Brighton, to approve expenditures equal to or less than \$3,000.00 for the period 10/1/2024 through 10/31/2024. All ayes; motion carried 6-0.

Motion by Johnson, supported by Cappon to approve bills in excess of \$3,000 as submitted.
All ayes; motion carried 6-0.

CONSENT AGENDA

Motion by Young, supported by Johnson, to accept the following items and place them on file:
a. Minutes from the Lake Odessa Area Arts Commission regular meeting of October 14, 2024
b. Lake Odessa Area Arts Commission 2025 Regular Meeting Schedule

All ayes; motion carried 6-0.

DEPARTMENTAL REPORTS

Village Manager: Report submitted.
Police Department: Report submitted.
Department of Public Works: Report submitted.
Finance: Report Submitted.
Zoning: Report submitted.

NEW BUSINESS

- a) Proposed Resolution 2024-57: Accepting Proposal of Peerless Midwest for Closing a Test Well.

Motion by Brighton, supported by Cappon, to adopt proposed Resolution 2024-57. Banks called for a roll call vote. Yes: Brighton, Cappon, Johnson, Yoder, Young, Banks; No: None; Absent: None; Abstain: None. Resolution adopted 6-0.

- b) Proposed Resolution 2024-58: Approving the Five-Year Extension of a Lease Agreement for the Use of Village-Owned Property with Tim Stuart.

Motion by Yoder, supported by Cappon, to adopt proposed Resolution 2024-58. Banks called for a roll call vote. Yes: Yoder, Cappon, Brighton, Johnson, Young, Banks; No: None; Absent: None; Abstain: None. Resolution adopted 6-0.

- c) Proposed Resolution 2024-59: Approve Setting the Employer Contribution to the Village of Lake Odessa Employee Retirement Savings Plan for FY 2025-26.

Motion by Young, supported by Brighton, to adopt proposed Resolution 2024-59. Banks called for a roll call vote. Yes: Young, Brighton, Cappon, Johnson, Yoder, Banks; No: None; Absent: None; Abstain: None. Resolution adopted 6-0.

- d) Set a Special Meeting for November 25, 2024 at 5:00 pm.

MISCELLANEOUS CORRESPONDENCE

- a) Jennifer Hickey – Village Council Resignation Email
- b) Letter to Governor Gretchen Whitmer Regarding MACC Grant Award
- c) Letter to Senator Thomas Albert Regarding MACC Grant Award
- d) Letter to Representative Gina Johnsen Regarding MACC Grant Award

TRUSTEE COMMENTS

Banks – Thanked Rob Young and Carrie Johnson for their service to the Village of Lake Odessa. Thanked Roy Halfman for running for Village Trustee.
Brighton – None
Cappon – Thanked Rob Young. Spoke about her recent ride along with Art Villanueva, Code Enforcement.
Johnson – Asked what happens to fill the vacant Trustee position.
Yoder – None
Young – Thanked council members. Is interested in being considered for the open Trustee position.

PUBLIC COMMENT

- 1. Roy Halfman – Is interested in being considered for the open council seat.

ADJOURNMENT

Motion by Young, supported by Johnson, to adjourn the meeting. All ayes: motion carried 6-0.
Meeting adjourned at 7:25 pm.

Respectfully submitted,

Kathy S. Forman
Village Clerk / Treasurer

New Business

LAKE ODESSA VILLAGE COUNCIL
Ionia County, Michigan

Motion by Trustee _____, supported by Trustee _____, to adopt the following resolution:

RESOLUTION NO. 2024-60

**APPROVAL TO RE-ADOPT VILLAGE COUNCIL RULES
OF PROCEDURE**

WHEREAS, a general law village is required by the General Law Village Act, 1895 PA 3, as amended, to adopt rules of its own proceedings; and

WHEREAS, the Village Council previously adopted revised rules of proceeding at a regular Council meeting held on March 18, 2024; and

WHEREAS, the Village Council has two (2) new members and one (1) returning member after the November 5, 2024 election; and

WHEREAS, the re-adoption of these rules is a prudent action for both new and existing Trustees.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Lake Odessa Village Council has reviewed the attached Village Council Rules of Procedure and hereby approve the same.
2. All resolutions and parts of resolutions, insofar as they conflict with the provisions of this resolution, are rescinded.

Ayes:

Nays:

Absent:

Abstain:

RESOLUTION DECLARED ADOPTED.

Dated: November 25, 2024

Kathy Forman, Village Clerk

VILLAGE OF LAKE ODESSA



VILLAGE COUNCIL RULES OF PROCEDURE

Amended March 18, 2024

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. REGULAR AND SPECIAL MEETINGS	
A. Regular meetings	1
B. Special meetings	1
C. Posting requirements for regular and special meetings.....	1
D. Minutes of regular and special meetings.....	2
E. Study sessions.....	2
III. CONDUCT OF MEETINGS	
A. Meetings to be public.....	2
B. Agenda preparation	2
C. Consent agenda	3
D. Agenda distribution	3
E. Quorum	3
F. Attendance at council meetings.....	3
G. Presiding officer	4
H. Disorderly conduct	4
IV. CLOSED SESSIONS	
A. Purpose.....	4
B. Calling closed sessions	5
C. Minutes of closed sessions.....	5
V. DISCUSSION AND VOTING.	
A. Rules of parliamentary procedure	5
B. Conduct of discussion	5
C. Ordinances and resolutions	6
D. Roll call.....	6
E. Duty to vote	6
F. Results of voting.....	6
VI. CITIZEN PARTICIPATION	
A. In General.....	6
B. Length of presentation.....	7
C. Addressing the Council	7
VII. MISCELLANEOUS	
A. Adoption and amendment of rules of procedure.....	7
B. Suspension of rules	7
C. Bid awards.....	7
D. Committees	7

E. Citizen task forces.....8
F. Authorization for contacting the Village attorney.....8

I. INTRODUCTION

These Rules of Procedure are adopted pursuant to the requirements of the General Law Village Act, 1895 PA 3, as amended.

Rules of procedure help a council to run an efficient meeting and to deal with the public and the media in a positive manner. The Village Council should review and re-adopt these Rules of Procedure at its first meeting after Council Members have been elected, have taken office and when a quorum is present.

II. REGULAR AND SPECIAL MEETINGS

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

A. Regular meetings. Regular meetings of the Village Council will be held on the third Monday of each month, beginning at 7 p.m. at the Page Memorial Building, unless otherwise rescheduled by a majority vote of the Village Council. Council meetings shall conclude no later than 10:30 p.m., subject to extension by the council.

B. Special meetings. A special meeting shall be called by the President or any three members of the Council on at least 24 hours' written notice to each member of the Council, served electronically or by hand delivery to the Council Member's usual place of residence. Special meeting notices shall state the purpose of the meeting. No official action shall be transacted at any special meeting of the Council unless the item has been stated in the notice of such meeting.

C. Posting requirements for regular and special meetings.

1. Within 10 days after the regular December meeting of the Council, a public notice stating the dates, times and places of the regular monthly council meetings for the following calendar year will be posted at the Village offices.
2. 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 the Village office at least 18 hours before the meeting.
3. The notice described above is not required for a meeting of the Council in emergency session in the event of a severe and imminent threat to the health, safety or welfare of the public, when two-thirds of the members of the Council determine that delay would be detrimental to the Village's efforts in responding to the threat.

D. Minutes of regular and special meetings.

1. The Clerk shall attend Council meetings and record all proceedings and resolutions of the Council, in accordance with Section 64.5 of the General Law Village Act of 1895, as amended, and the Open Meetings Act.
2. In the absence of the Clerk, the Council may appoint one of its own members or another person to temporarily perform the Clerk's duties.
3. Within 8 business days of a Council meeting, minutes of the council proceedings shall be prepared by the Clerk and shall indicate the vote of the Council Members and will be available for public inspection.
4. A copy of the approved minutes of each regular or special council meeting shall be available for public inspection at the Village offices during regular business hours or at www.lakeodessa.org within 5 business days after the meeting at which the minutes are approved by the public body.

E. Study sessions. Upon the call of the President or any three members of the Council, and with appropriate notice to the Council Members and to the public, the Council may convene a work session devoted exclusively to the exchange of information relating to municipal affairs. No votes shall be taken on any matters under discussion, nor shall any Council Member enter into a formal commitment with another member regarding a vote to be taken subsequently.

III. CONDUCT OF MEETINGS

A. Meetings to be public. All regular and special meetings of the 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, except that the meetings may be closed to the public and the media in accordance with the Open Meetings Act. All official meetings of the Council and its committees shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

B. Agenda preparation. An agenda for each regular Council meeting shall be prepared by the President with the following order of business:

1. Call to order
2. Pledge of Allegiance
3. Roll call of Council Members
4. Approval of agenda
5. Public comment
6. Minutes
7. Expenditures

8. Approval of consent agenda
9. Departmental reports
10. Committee reports
11. Presentations
12. Unfinished business
13. New business
14. Miscellaneous Correspondence
15. Trustee Comments
13. Public comment
14. Adjournment

Any Council Member shall have the right to add items to the regular agenda before it is approved.

- C. Consent agenda.** A consent agenda may be used to allow the Council to act on numerous administrative or non-controversial items at one time. Included on the agenda can be items such as board and committee minutes, approval of recognition resolutions, etc. Upon request by any member of the Council, an item shall be removed from the consent agenda and placed on the regular agenda for discussion.
- D. Agenda distribution.** An agenda and supporting materials shall be distributed to Council members no later than the Friday prior to each regular Council meeting.
- E. Quorum.** A majority of the entire elected or appointed and sworn 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.
- F. Attendance at council meetings.**
1. Election to the Village Council is a privilege freely sought by the nominee. It carries with it the responsibility to participate in Council activities and represent the residents of the Village. Attendance at Council meetings is critical to fulfilling this responsibility. A general law village council is empowered by Section 65.5 of the General Law Village Act, as amended, to adjourn a meeting if a quorum is not present, and compel attendance in a manner prescribed by ordinance.
 2. If a Council Member has more than three successive absences for regular or special Council meetings, the Council may enact a resolution of reprimand. In the event that the member's absences continue for more than three additional successive regular or special meetings of the Council, the Council may enact a resolution of censure or request the Council Member's resignation or both.

G. Presiding officer.

1. The presiding officer shall be responsible for enforcing these Rules of Procedure and for enforcing orderly conduct at meetings. The President is ordinarily the presiding officer and serves as a voting member of the council on all issues.
2. The President, with concurrence of the Council, shall appoint one member President Pro Tempore, who shall preside in the absence of the President.
3. In the absence of both the President and the President Pro Tempore, Council shall appoint one member from the remaining Council Members present.

H. Disorderly conduct. The presiding officer may call to order any person who is being disorderly by speaking out of order or otherwise disrupting the proceedings, failing to be germane, speaking longer than the allotted time or speaking vulgarities. Such person shall be seated until the chair determines whether the person is in order. If the person so engaged in presentation is called out of order, he or she shall not be permitted to continue to speak at the same meeting except by special leave of the Council. If the person shall continue to be disorderly and disrupt the meeting, the presiding officer may order the sergeant at arms to remove the person from the meeting. No person shall be removed from a public meeting except for an actual breach of the peace committed at the meeting.

IV. CLOSED SESSIONS

A. Purpose. Closed sessions may be held only for the reasons authorized in the Open Meetings Act, as follows:

1. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member or individual agent, if the named person requests a closed meeting.
2. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.
3. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
4. To consult with the municipal attorney or another 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 litigating or settlement position of the council.

5. 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 the Council for employment or appointment to a public office shall be held in an open meeting.
6. To consider material exempt from discussion or disclosure by state or federal statute.

B. Calling a closed session. At a regular or special meeting, the Council Members, elected or appointed and serving, by a two-thirds roll call vote may call a closed session under the conditions outlined in Section C.1 above, and in accordance with the Open Meetings Act. The roll call vote and purpose(s) for calling the closed meeting shall be entered into the minutes of the public part of the meeting at which the vote is taken.

C. Minutes of closed sessions. 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 under seal, shall not be available to the public, and shall only be disclosed if required by a civil action, as authorized by the Michigan Open Meetings Act. 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.

V. DISCUSSION AND VOTING

A. Rules of parliamentary procedure. The rules of parliamentary practice as contained in the latest edition of "Robert's 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, Village ordinances or applicable state statutes. The President may appoint a parliamentarian. The chair shall preserve order and decorum and may speak to points of order in preference to other Council Members. The chair shall decide all questions arising under this parliamentary authority, subject to appeal and reversal by a majority of the Council Members present. Any member may appeal to the Council a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state the reason for the appeal and the presiding officer may briefly state the ruling. There shall be no debate on the appeal and no other member shall participate in the discussion. The question shall be, "Shall the decision of the chair be sustained?" If the majority of the members present vote "aye," the ruling of the chair is sustained; otherwise it is overruled.

B. Conduct of discussion. 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 or privilege raised by another member. Speakers should address their remarks to the chair, maintain a courteous tone, and avoid interjecting a personal note into 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 Section A. above, may permit any person to address the Council during its deliberations.

C. Ordinances and resolutions. No ordinance, except an appropriation ordinance, an ordinance adopting or embodying an administrative or governmental code, or an ordinance adopting a code of ordinances, shall relate to more than one subject, and that subject shall be clearly stated in its title. A vote on all ordinances and resolutions shall be taken by a roll call vote and entered in the minutes.

D. Roll call. In all roll call votes, the names of all members of the Council shall be called, with the President voting last.

E. Duty to vote.

1. Election to a deliberative body carries with it the obligation to vote. Council Members present at a Council meeting shall vote on every matter before the body, unless otherwise excused or prohibited from voting by law. A Council Member who is present and abstains or does not respond to a roll call vote shall be counted as voting with the prevailing side and shall be so recorded, unless otherwise excused or prohibited by law from voting.
2. Conflict of interest, as defined by law, shall be the sole reason for a member to abstain from voting. The opinion of the Village attorney shall be binding on the Council with respect to the existence of a conflict of interest.
3. A vote may be tabled, if necessary, to obtain the opinion of the Village attorney.
4. The right to vote is limited to the members of Council present at the time the vote is taken.
5. Voting by proxy or by telephone is not permitted. All votes must be held and determined in public; no secret ballots are permitted.

F. Results of voting. In all cases where a vote is taken, the chair shall declare the result. 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. When a motion to reconsider fails, it cannot be renewed.

VI. CITIZEN PARTICIPATION

A. In General. Each regular Council meeting agenda shall provide for reserved time for citizen comment. If requested by a member of the Council, the presiding officer

shall have discretion to allow a member of the audience to speak at times other than reserved time for citizen comment.

- B. Length of presentation.** Any person who addresses the Council during a Council meeting with regard to an agenda item or during a public hearing shall be limited to three minutes in length per individual presentation. The clerk will maintain the official time and notify the speakers when their time is up.
- C. Addressing the Council.** When a person addresses the Council, he or she shall state his or her name and home address. Remarks should be confined to the question at hand and addressed to the chair in a courteous tone. 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.

VII. MISCELLANEOUS

- A. Adoption and amendment of rules of procedure.** These Rules of Procedure of the Council will be placed on the agenda of the regular November Council meeting following the seating of newly-elected Council Members, for review and adoption. A copy of the Rules adopted shall be distributed to each Council Member. The Council may alter or amend its rules at any time by a vote of a majority of its members after notice has been given of the proposed alteration or amendment.
- B. Suspension of rules.** These Rules may be suspended for a specified portion of a meeting by an affirmative vote of two-thirds of the members present, except that Council actions shall conform to state statutes and to the Michigan and the United States Constitutions.
- C. Bid awards.** Bids will be awarded by the Council during regular or special 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.
- D. Committees.**
 - 1. Committee of the Whole. In addition to its regular and special meetings, the Council may meet from time to time as a committee of the whole for the purpose of conducting study sessions pursuant to Article II.E. of these Rules of Procedure.
 - 2. Ad Hoc Advisory Committees. The Council may, by majority vote, establish temporary committees or task forces for definite periods of time sufficient to address specified, limited scopes of work. The Village President, with the approval of the Council, shall appoint members to ad hoc committees. Members shall include the number of Trustees deemed appropriate to the work of the

committee. A committee may include other residents of the Village, appointed by the Village President with the approval of the Council, when necessary to provide information and perspectives relevant to the committee's scope of work. Ad hoc advisory committee meetings shall be subject to applicable provisions of the Open Meetings Act. A member of an ad hoc advisory committee shall serve as recording secretary for the committee's meetings, and keep minutes of its proceedings. Copies of all minutes, work papers, reports, recommendations, and other documents created by the committee shall be given to the Village Clerk for safekeeping in accordance with the Village's records retention policies and practices.

3. Standing Committees. Standing committees created pursuant to previous revisions of these Rules of Procedure are hereby dissolved. The Council, meeting in regular or special session or as a committee of the whole, shall perform all duties previously performed by standing committees.

E. Citizen task forces. Citizen task forces may be established by a resolution of the Council which specifies the task to be accomplished and the date of its dissolution. Members of such committees will be appointed by the President, subject to approval by a majority vote of the Council, and must be residents of the Village. Vacancies will be filled by majority vote of the Council in the same way appointments are made.

F. Authorization for contacting the Village attorney. The following officials (by title) are authorized to contact the Village attorney regarding municipal matters:

1. Village Manager
2. President

LAKE ODESSA VILLAGE COUNCIL
Ionia County, Michigan

Trustee _____, supported by Trustee _____,
made a motion to adopt the following resolution:

RESOLUTION NO. 2024-61

**TO ADOPT A CODE OF ETHICS AND CONDUCT
FOR ELECTED AND APPOINTED OFFICIALS**

WHEREAS, the citizens and businesses of Lake Odessa are entitled to have fair, ethical and accountable local government; and

WHEREAS, it is the desire of the Lake Odessa Village Council that all elected and appointed Village officials conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of the government of the Village of Lake Odessa.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Lake Odessa Village Council adopts the attached Code of Ethics and Conduct for Elected and Appointed Officials; and
2. All resolutions and parts of resolutions are, to the extent there exists any conflict with this resolution, rescinded.

Ayes:

Nays:

Absent:

Abstain:

RESOLUTION DECLARED ADOPTED.

Dated: November 25, 2024

Kathy Forman, Village Clerk

VILLAGE OF LAKE ODESSA



CODE OF ETHICS AND CONDUCT FOR ELECTED AND APPOINTED OFFICIALS

Adopted: November 25, 2024

STATEMENT OF PURPOSE

The Lake Odessa Village Council adopts this Code of Ethics and Conduct to assure that all elected and appointed Village officials conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of the government of the Village of Lake Odessa.

* * *

A. ETHICS

The citizens and businesses of Lake Odessa are entitled to have fair, ethical and accountable local government. To this end, the public should have full confidence that their elected and appointed officials:

- Comply with both the letter and spirit of the laws and policies affecting the operation of government;
- Are independent, impartial and fair in their judgment and actions;
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless required by law to be confidential, in an atmosphere of respect and civility.

Therefore, members of the Village Council and of all boards, commissions and committees shall conduct themselves in accordance with the following ethical standards:

1. **Act in the Public Interest.**

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Lake Odessa and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before them.

2. **Comply with the Law.**

Members shall comply with the laws of the nation, the State of Michigan, and the Village of Lake Odessa in the performance of their public duties. These laws include, but are not limited to: the Open Meetings Act, the Freedom of Information Act, Village ordinances and resolutions.

3. **Conduct of Members.**

The professional and personal conduct of members while exercising their office must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Village Council, boards, commissions and committees, Village staff or the general public.

4. Respect for Process.

Members shall perform their duties in accordance with the processes and rules of order established by the Village Council and boards, commissions and committees governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of Council policy decisions by Village staff.

5. Conduct at Public Meetings.

Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand.

6. Decisions Based on Merit.

Members shall base their decisions on the merits and substance of the matter at hand.

7. Conflicts of Interest.

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence any government decision in which they have a material financial interest or personal relationship which may give the appearance of a conflict of interest.

8. Gifts and Favors.

In regard to the acceptance and reporting of gifts, members shall not solicit or accept a gift or loan of money, goods, services or other thing of value for his or her benefit which may tend to influence the manner in which the member performs his or her official duties.

Members shall not be a party, directly or indirectly, to any contract between himself or herself and the public body for which he/she serves as an official.

9. Confidential Information.

Members shall respect the confidentiality of information which is deemed confidential by the Open Meetings Act and/or the Freedom of Information Act. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

10. Use of Public Resources.

Members shall not use public resources which are not available to the public in general (e.g., Village staff time, equipment, supplies or facilities) for private gain or for personal purposes.

11. Representation of Private Interests.

In keeping with their role as stewards of the public interest, members of the Village Council shall not appear on behalf of the private interests of third parties before the Council, or any board, commission, committee or proceeding of the Village, nor shall members of boards, commissions or committees appear before their own bodies or before the Village Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

12. Advocacy.

Members shall represent the official policies or position of the Village Council, board, commission or committee to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent the Village of Lake Odessa, nor will they allow the inference that they do.

13. Policy Role of Members.

Members shall respect and adhere to the council-manager structure of Lake Odessa government. In this structure, the Village Council determines the policies of the Village with the advice, information and analysis provided by boards, commissions, committees, Village staff, and the general public. Except as provided by Village ordinance, members therefore shall not interfere with the administrative functions of the Village or the professional duties of Village staff, nor shall they impair the ability of staff to implement policy decisions of the Village Council.

14. Independence of Boards, Commissions and Committees.

Because of the value of the independent advice of boards, committees and commissions to the public decision-making process, members of the Village Council shall refrain from using their position to unduly influence the deliberations or outcomes of board, committee and committee proceedings.

15. Positive Workplace Environment.

Members shall support the maintenance of a positive and constructive workplace environment for Village employees, and for citizens and businesses dealing with the

Village. Members shall recognize their special role in their dealings with Village staff and shall refrain from creating the perception of inappropriate direction to staff.

B. CONDUCT GUIDELINES

The Conduct Guidelines are designed to describe the manner in which elected and appointed officials should treat one another, Village staff, constituents, and others they come into contact with while representing the Village of Lake Odessa.

1. Elected and Appointed Officials' Conduct with Each Other in Public Meetings.

Elected and appointed officials are individuals with a wide variety of backgrounds, personalities, values, opinions and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged, even though individuals may not agree on every issue.

a. Honor the role of the chair in maintaining order.

It is the responsibility of the chair to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

b. Practice civility and decorum in discussions and debate.

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials making belligerent, personal, impertinent, slanderous, threatening, abusive or disparaging comments.

c. Avoid personal comments that could offend other members.

If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The chair will maintain control of this discussion.

d. Demonstrate effective problem-solving approaches.

Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

e. Avoid distracting behavior.

Whispering and sidebar conversations show a lack of respect not only for the chair, but for all those in attendance who are trying to pay attention. Members who wish to

speakers should direct their comments to everyone in the meeting. Members should also refrain from using cellphones or texting during meetings.

2. Elected and Appointed Officials' Conduct with the Public in Public Meetings.

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

a. Be welcoming to speakers and treat them with care and gentleness.

While questions of clarification may be asked, the official's primary role during public testimony is to listen.

b. Be fair and equitable in allocating public hearing time to individual speakers.

The chair will determine and announce limits on speakers at the start of the public hearing process.

c. Practice active listening.

It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Members shall try to be conscious of facial expressions, and avoid those that could be interpreted as "smirking," disbelief, anger or boredom.

d. Maintain an open mind.

Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.

e. Ask for clarification, but avoid debate and argument with the public.

Only the chair -- not individual members -- can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

3. Elected and Appointed Officials' Conduct with Village Staff.

Village governance relies on the cooperative efforts of: a) elected officials, who set policy; b) appointed officials, who advise the elected officials; and c) Village staff, who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

a. Treat all staff as professionals.

Clear, honest communication that respects the abilities, experience and dignity of each individual is expected. Poor behavior toward staff is not acceptable.

b. Do not disrupt Village staff from their jobs.

Elected and appointed officials should not disrupt Village staff while they are in meetings, on the phone, or engaged in performing their job functions in order to have their individual needs met. Do not attend Village staff meetings unless requested by staff. Even if the elected or appointed official does not say anything, his or her presence implies support, shows partiality, may intimidate staff, and hampers staff's ability to do their job objectively.

c. Never publicly criticize an individual employee.

Elected and appointed officials should never express concerns about the performance of a Village employee in public, to the employee directly, to other Village staff, or to the employee's supervisor. Comments about staff performance should only be made to the Village Manager through private correspondence or conversation. Appointed officials should make their comments regarding staff to the Village Manager or Village President.

d. Do not get involved in administrative functions.

Elected and appointed officials acting in their individual capacity must not attempt to influence Village staff on making appointments, awarding contracts, selecting consultants, processing development applications, or granting Village licenses and permits.

e. Do not solicit political support from staff.

Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from Village staff. Village staff may, as private citizens with constitutional rights, support political candidates, but all such activities must be done away from the workplace.

f. No Attorney-Client Relationship.

Members shall not seek to establish an attorney-client relationship with the Village attorneys contracted to work on behalf of the Village, including their staff. Village attorneys represent the Village and not individual members.

g. Limit Requests for Village Staff Support.

Requests for additional staff support or specific directions for staff -- even in high priority or emergency situations -- should be made to the Village Manager, who is responsible for allocating, directing and managing Village resources in order to maintain a professional, well-run Village government.

4. Council Conduct with Boards, Commissions and Committees.

The Village has established several boards, commissions and committees as a means of gathering more community input. Citizens who serve on boards, committees and

commissions become more involved in government and serve as advisors to the Village Council. They are a valuable resource to the Village's leadership and should be treated with appreciation and respect.

C. COMPLIANCE AND ENFORCEMENT

The Lake Odessa Code of Ethics and Conduct for Elected and Appointed Officials expresses standards of ethical conduct expected for members of the Lake Odessa Village Council, boards, commissions and committees. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards, commissions and committees, the Village President and the Village Council have the additional responsibility to intervene when actions of members are brought to their attention which appears to be in violation of this Code of Ethics and Conduct.

* * *

ACKNOWLEDGMENT

I affirm that I have read and understand the Village of Lake Odessa Code of Ethics and Conduct for Elected and Appointed Officials. As a member of the Lake Odessa Village Council or of a Village board, commission or committee, I agree to uphold this Code of Ethics and Conduct for Elected and Appointed Officials. I further agree to conduct myself by the following model of behavior. I will:

- Recognize the worth of individuals and appreciate their individual talents, perspectives and contributions;
- Help create an atmosphere of respect and civility where individual members, Village staff and the public are free to express their ideas and work to their full potential;
- Conduct my personal and public affairs with honesty, integrity, fairness and respect for others;
- Respect the dignity of individuals and organizations;
- Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;
- Avoid and discourage conduct which is divisive or harmful to the best interests of the Village of Lake Odessa; and
- Treat all people with whom I come into contact the way I wish to be treated.

Date: _____

Signature

Printed Name