

**POLICE AND FIRE RETIREMENT SYSTEM
OF THE CITY OF DETROIT**

*MEETINGS AND PUBLIC PARTICIPATION POLICY
ADOPTED: June 23, 2011*

ARTICLE I. DEFINITIONS 1

ARTICLE II. MEETINGS OF THE BOARD OF TRUSTEES 1

ARTICLE III. AGENDAS 2

ARTICLE IV. RULES OF ORDER..... 3

ARTICLE V. MINUTES 4

ARTICLE VI. PUBLIC COMMENT AND PARTICIPATION..... 5

ARTICLE VII. CLOSED SESSIONS 6

ARTICLE VIII. VIOLATIONS OF THIS POLICY 8

ARTICLE I. DEFINITIONS

Section 1.1. Statement of Purpose. The purpose of this Policy is to establish guidelines and procedures for meetings of the Board of Trustees in compliance with the Michigan Open Meetings Act, MCL § 15.261, *et seq.* (the “Open Meetings Act”)

Section 1.2. Applicability. This Policy applies to all meetings of the Board of Trustees to which the Open Meetings Act applies.

Section 1.3. Definitions. For the purposes of this policy, the following words shall have the meanings respectively ascribed to them by this section:

- (a) “*Board or Board of Trustees*” shall mean the Board of Trustees of the Police and Fire Retirement System of the City of Detroit.
- (b) “*PFRS*” shall mean the Police and Fire Retirement System of the City of Detroit.
- (c) “*PFRS staff*” or “*staff*” shall mean employees or independent contractors of the PFRS, including General Counsel.
- (d) Undefined terms may be defined by reference to the Open Meetings Act.

ARTICLE II. MEETINGS OF THE BOARD OF TRUSTEES

Section 2.1. Regular Meeting Schedule. The Board typically holds one regular meeting each week, on Thursdays at 9:00 am. Meetings are not held on state or national holidays, or when determined upon a majority vote of the Board.

Section 2.2. Public Notice.

- (a) Notice of the regular meeting schedule is posted on or adjacent to the front door of the offices of the PFRS ten (10) days after the first meeting of the Board of Trustees in each calendar or fiscal year.
- (b) The schedule of regular meetings or the regular meeting date may be changed by the Board as provided in current law.
- (c) Changes to the meeting schedule, including cancellations, will be posted within three (3) days of the date of the meeting at which the change was approved.

Section 2.3. Special Meetings Special meetings of the Board may be called by the Chairperson of the Board or by two members of the Board by providing the other Board members a written notice of the date, time, and place of the special meeting.

- (a) Notice to Board Members. The notice may be served by delivering the notice to the Board members personally, via electronic mail, facsimile, or by mail addressed to the member at the member’s address on file in the PFRS office, at least seventy-two (72) hours before the meeting is to take place. Either a Board member or an employee of the PFRS may serve the notice.
- (b) Public Notice. Public notice shall be posted on or adjacent to the front door of the offices of the PFRS eighteen (18) hours prior to the special meeting.

Section 2.4. Emergency Meetings. The Board may meet in emergency session in the event of severe and imminent threat to the health, safety or welfare of the public, when two-thirds (2/3) of the Board members decide that delay would be detrimental to the efforts to lessen or respond to the threat.

Section 2.5. Committee or Work Session Meetings. Committee of Work Session meetings of the Board shall be held as called by the Chairperson. Such sessions shall be open to the public and notice properly posted in the same manner as notice is provided for regular meetings.

Section 2.6. Adjourned Meetings. Meetings may be adjourned and reconvened as provided by law.

Section 2.7. Social or Educational Events. A quorum of the Board may not meet outside a properly posted public meeting and/or deliberate on any issue that is or may come before the Board, with the following exceptions:

- (a) Social or non-PFRS related gatherings, provided public business is not discussed.
- (b) Attendance at informational sessions, seminars, conferences and educational events, provided that public business is not discussed.

Section 2.8. Use of Electronic Mail, Text Messaging, Social Networking Software, Facsimile and Telephone. A quorum of the Board may not use electronic messaging to deliberate on any issue that is or may become before the Board.

Section 2.9. The Board may establish additional rules and procedures for the holding of meetings in compliance with the Open Meetings Act.

ARTICLE III. AGENDAS

Section 3.1. Preparation and Dissemination. The agenda for all regular meetings of the Board shall be prepared by the Board or a PFRS staff member designated by the Board and distributed to all members of the Board at least one day prior to the meeting.

Section 3.2. Contents. The agenda shall indicate the order of items to be considered, and shall include a designated item for public comment.

Section 3.3. Attachments. Any documents attached to the agenda for review or consideration by the Board members are not considered part of the agenda.

Section 3.4. Agenda Items.

- (a) The Board shall not be expected to take actions on requested or recommended items unless adequate data or back-up information has been provided to assist in reaching sound and objective decisions consistent with established goals. Board members shall be expected to study the information provided and contact the Executive Secretary prior to the meeting to request any explanation needed to assist in understanding the issues and/or to assist in their decision making responsibilities.
- (b) Board members may request that items be placed on the agenda. Such requests must be provided to the Chairperson or the Executive Secretary at least five (5) business days prior to the regular or special meeting. In the event an item is

submitted too late to be placed on the action portion of the agenda, it will be placed on the agenda for discussion only.

- (c) Citizens may request that an item be placed on the agenda, provided the request is made at least five (5) business days prior to the scheduled meeting. The Executive Secretary shall determine whether or not the item is appropriate to be considered an agenda item, and whether or not it should be placed on that agenda or a later one. Citizens requesting that an item be placed on the agenda should do so in writing and provide any background information which will assist the Executive Secretary in making a decision.

Section 3.5. Additions to the Agenda

- (a) Additional items to the agenda may be approved by a majority of the Board members during the meeting for which the additional item is proposed. Items for action should be considered only in cases where a delay of action could be detrimental to the PFRS, and for which sufficient background information is available on which to base a decision.
- (b) Matters that come before the Board as a result of the public comment portion of the meeting, but which are not on the prepared agenda, may be heard, taken under advisement, and/or be placed on the agenda at a future meeting, if appropriate, for Board action. The Board will not take action or vote on matters which it has not had the opportunity to consider and/or investigate.

Section 3.6. Public Dissemination. In the discretion of the Board, the agenda may be provided to citizens appearing at a Board meeting.

Section 3.7. Consent Agenda. The Chairperson, or the Assistant Executive Secretary, if so authorized by the Board, may place routine matters in a single consent agenda item for action by the Board. Any Board member may request that a consent item be removed and considered separately at any time prior to final vote on the consent agenda. Approval of the consent agenda shall be by vote according to the Board bylaws on motions and votes.

ARTICLE IV. RULES OF ORDER

Section 4.1. Conduct of Meetings

- (a) The Board may conduct any business permitted by law at any regular business meeting.
- (b) Meetings shall be guided by the rules of procedure to be adopted by the Board, except as modified by law, or when adherence would violate the constitutional rights of a member of the Board.

Section 4.2. Quorum. The meeting shall continue as long as a quorum remains in attendance. Five (5) members of the Board (three of which must be elected) must be present to maintain a quorum. In the absence of a quorum, a lesser number may adjourn any meeting to a later time or date with appropriate public notice.

Section 4.3. Voting. The Board shall take action by way of motions. No motion may be acted upon until it has been duly supported or seconded by a member of the Board.

- (a) No act shall be valid unless approved by a majority of the present members of the Board, except as otherwise expressly provided by law or by these bylaws.
- (b) A proper record shall be made of the vote in open session.
- (c) A roll call vote shall be taken and recorded at the request of any two members of the Board.
- (d) Failure to record a vote as herein provided shall not affect the validity of the action taken by the Board.
- (e) All voting shall be done openly and in such manner that those present at the meeting may know how each member voted.

ARTICLE V. MINUTES

Section 5.1. Keeping of Minutes. The Assistant Executive Secretary shall keep or cause to be kept minutes of all open meetings in the form and time frame as prescribed by law. The proposed minutes shall be furnished to each member of the Board prior to the meeting at which they are to be approved. The official minutes shall be maintained in an official minute book located in the offices of the Board and authenticated by the Assistant Executive Secretary.

Section 5.2. Requirements. The minutes shall include the date, time, place, members present, members absent, all decisions made at open meetings and the purpose(s) for

Section 5.3. which closed sessions are called, all roll call votes and a reference to reports presented, a record of those speaking at the public comment session and the topic on which they spoke, and items discussed when no action is taken.

Section 5.4. Corrections. Corrections in the minutes may be made at the meeting at which they are approved. The Chairperson shall declare the minutes approved as presented unless objections are raised or corrections made.

Section 5.5. Dissemination to Public.

- (a) The proposed minutes of the Board shall be available to citizens for inspection at the PFRS office during normal business hours, and may be posted online at www.rscd.org.
- (b) Copies of the minutes shall be available upon request at a reasonable estimated cost to the requesting party.
- (c) Proposed minutes shall be available at the PFRS office within eight (8) business days of the meeting and official minutes within five (5) days of the meeting at which they are approved. The requirements of this subsection (c) do not apply to minutes posted online as long as copies are provided at the PFRS office.

Section 5.6. Family Educational Rights and Privacy Act of 1974. PFRS shall not include in or with its minutes any personally identifiable information that, if released, would prevent the PFRS from complying with Section 444 of Subpart 4 of part C of the General Education Provisions Act, 20 U.S.C. § 1232g.

ARTICLE VI. PUBLIC COMMENT AND PARTICIPATION

Section 6.1. Public Participation. It is the policy of the PFRS to welcome the public, including its members, retirees and beneficiaries, to observe Board meetings to learn about the operations and activities of the PFRS and to share comments relating PFRS operations and activities.

Section 6.2. Decorum. Any person causing a breach of the peace may be removed from any meeting of the PFRS. The Chairperson shall request the assistance of law enforcement officers in the removal of any disorderly individual who refuses to leave upon request.

Section 6.3. Best Practices for Public Participation. The PFRS Board Room is limited in size and seating. Members of the public planning to attend a meeting are encouraged to contact the Executive Secretary at least one week prior to the meeting so the Executive Secretary may plan accordingly. Additionally, members of the public requiring accommodations and/or media wishing to photograph or videotape meetings are advised to contact the Executive Secretary as soon as possible prior to the meeting to coordinate accessibility, seating and placement of equipment.

Section 6.4. Public Comment. The following rules and procedures apply to public comment during all meetings.

- (a) The Board shall reserve a reasonable time for public comment, which generally shall be limited to thirty (30) minutes.
- (b) Board members may have the privilege of questioning speakers, but shall not be obligated to answer questions or make statements or commitments on issues brought by the public.
- (c) Audience members who wish to address the Board must complete a Comment Request Form prepared by the Assistant Executive Secretary or as otherwise approved by the Board, providing the person's name, address and the issue upon which the person desires to comment before the person is allowed to speak. Forms will be available 30 minutes prior to the start of the meeting and must be completed and submitted to the Assistant Executive Secretary before the start of the meeting.
- (d) A person desiring to speak during the public comment portion of the meeting shall be recognized by the Chairperson.
- (e) Speakers shall direct their comments to the Board and not to individual Trustees, PFRS staff or other audience members.
- (f) Each speaker shall be allowed to speak once per Board meeting and shall be limited to five minutes unless an extension is approved by a majority of the Board.
- (g) If the number of speakers desiring to be heard is so extensive that the time limit for the public comment portion of the meeting would be inadequate, the Board may vote to shorten the time limit allowed to each speaker, but the limit shall not be less than three minutes.
- (h) The Chairperson may extend the time limit if necessary so that no one is denied the right to address the Board.

- (i) In the event adjournment of any meeting is to be later than 5:00 p.m., time will be allowed at approximately 4:30 p.m. for public comment.
- (j) If a delegation is present to discuss an agenda item, a single spokesperson should be designated to make the presentation for the group.

Section 6.5. Public Comment Prohibited:

- (a) Complaints or attacks about a Board member or employee which would constitute an unwarranted invasion of privacy or which are unrelated to the way in which a member or employee performs PFRS-related duties shall not be permitted unless the Board otherwise allows such comments.
 - (i) The Chairperson, in consultation with General Counsel, shall judge the appropriateness of such complaints to be aired publicly.
 - (ii) If it is judged that a complaint is not appropriate for public discussion, the Chairperson shall judge whether it justifies Board consideration at a future open or closed session of the Board as requested by the individual complained against.
 - (iii) If the complaint is to be considered later, the complainant shall be asked to reduce it to writing and formally present it to the Board for proper investigation.
- (b) Speakers are expected to express themselves responsibly and courteously and with due respect for the fact their views and opinions may not be shared by all present. The following are examples of irresponsible or discourteous expression:
 - (i) Denigrating Board members, PFRS staff, or other audience members.
 - (ii) Speculating on the motives of Board members, PFRS staff, or other audience members.
 - (iii) Complaints about Board Members or PFRS staff that have not been brought to the Board's attention through appropriate channels.
- (c) Obscene, vulgar, abusive or threatening language that interferes with the orderly progress of the meeting will not be tolerated. Individuals who use such language will be asked to leave the meeting.

ARTICLE VII. CLOSED SESSIONS

Section 7.1. Purposes: The Board may meet in closed session only for the following purposes:

- (a) 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 hearing.

- (b) For strategy and negotiation session 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 and 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 litigating or settlement position of the Board.
- (e) To review the specific content of an application for employment or appointment to public office when the candidate requests that the application remain confidential.
- (f) To consider material exempt from discussion or disclosure by state or federal statute.
- (g) As otherwise provided by law, including, but not limited to, complying with the Board's attorney-client privilege.

Section 7.2. Procedures.

- (a) A two-thirds (2/3) roll call vote of Board members elected or appointed and serving is required to enter into a closed session, unless the closed session is being entered for purposes (a) and (b) as set forth in section 7.1 of this Policy.
- (b) The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.
- (c) The Assistant Executive Secretary shall record a separate set of minutes at the closed session.
 - (i) The minutes shall include the time, date and place of the meeting; members present or absent; the purpose(s) for which the closed session has been called; a brief summary of the discussion and an indication that only matters for which the meeting was called were discussed.
 - (ii) These minutes shall be retained exclusively by the Assistant Executive Secretary of the PFRS, are not available to the public unless otherwise provided by law.
 - (iii) These minutes may be destroyed one (1) year and one (1) day after approval of the minutes of the regular meeting at which the closed session was approved.
- (d) No vote shall be taken during closed session on matters considered in closed session. Any action taken on such matters must be approved in the public portion of a meeting and recorded appropriately.

- (e) As a matter of practice, the Board shall convene in open session prior to adjourning to closed session.

ARTICLE VIII. VIOLATIONS OF THIS POLICY

Section 8.1. Violations. Any violation of this Policy or the Open Meetings Act may subject the PFRS staff or Board member to disciplinary measures.