



## MEMORANDUM

TO: Mayor Stephen Kepley and City of Kentwood Commissioners  
FROM: Jeff Sluggett  
DATE: July 7, 2015  
RE: Review of Public Statements

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This memorandum was prepared in response to a request from the City that we review an assertion being circulated by a candidate for public office and clarify, for the general public, how the City Commission makes decisions. Specifically, it was brought to the City's attention that a current candidate for elective City office, in his campaign literature, makes the following assertion:

Except for "public hearing" matters, the City Commission doesn't actually decide anything while in session. Instead, the commissioners approve a "consent agenda" consisting of items decided by unelected officials and city department heads.

The quoted statement is inaccurate in several particulars and could, in our opinion, mislead members of the public with regard to how City decision making occurs. At a minimum, the statement is incorrect as follows:

- Pursuant to the City Charter and state statute (the Home Rule City Act), **all** legislative powers of the City rest with the City Commission, and not with the City's administrative officers. Only the City Commission can take legislative action (e.g., adopting ordinances).
- Similarly, under the City Charter, **only** the City Commission can adopt motions or resolutions, by which City decisions and policies are adopted and effectuated.
- Pursuant to the City Charter and state statute (the Open Meetings Act), **all** decisions of the City Commission are made at a noticed meeting, which is open to the public and at which the public has an opportunity to speak. Thus, and contrary to the assertion quoted above, the City Commission only "decides" matters at a public meeting.
- The City Commission's adopted bylaws and rules of procedure expressly identify when and how matters may be included on a consent agenda. Essentially, the consent agenda includes matters of public record (e.g., proposed minutes from a prior meeting) or matters which have been referred to the City Commission by the Committee of the Whole. Thus, oftentimes, matters on the consent agenda are voted on **twice** by the City Commission (as distinguished from not at all); once as the Committee of the Whole and once as the full City Commission.

I trust that the foregoing clarifies the manner in which City Commission decisions are made. If there are any remaining questions please contact us.