

This Final Draft of the Rules represents changes from Council through May 12, 2014
RULES OF PROCEDURE FOR THE DAVISON CITY COUNCIL

Preamble

Since (ed) it is important that the law should be definite, every deliberative assembly should imitate our legislative bodies and adopt some Rules of Order for the conduct of its business.
Extracted and edited from Robert's Rules of Order, Introduction, 1915 edition

I. Scope

These rules as provided for in Section 6.8 of the Charter of the City of Davison, Michigan shall govern the City Council proceedings at all official meetings of the Council, as described in Charter Sections 6.5, 6.6, and 6.7, unless amended or suspended by a vote of two-thirds of Council members present. No amendment of a rule shall be effective until the next regularly scheduled meeting of the City Council. An amendment of these rules shall appear in the minutes of the meeting at which adopted, and the text of the amendment and its date shall be certified by the Clerk on an addendum to the official set of rules held by that official. Copies of the amended text shall be furnished each Council member, the Mayor, the City Administrator, and the City Attorney.

All references to written notice shall mean hard copy or electronic.

All references to "Charter Sections" are to Sections of the Charter of the City of Davison, Michigan effective September 1, 1999.

All references to the "Open Meetings Act" are Public Act 267 of 1976.

All references to the "Ordinance" are the Code of Ordinances of the City of Davison.

II. Council Meetings

A. Notice

All Council meetings shall be conducted in accordance with the Open Meetings Act and these rules. Public notice of all meetings shall be given as provided in the Act by the Clerk.

B. Regular Meetings

Regular Meetings shall be held at 7:30 p.m. on the second and fourth Mondays of each month in the City Hall. (Charter Section 6.5, 6.9, and Ordinance 210.01).

C. Special Meetings

Special Meetings shall be called by the Clerk on the written request of the Mayor or any three (3) Council members on at least eighteen (18) hours written notice to each member. However, notice to members of the Special Meeting is not required if all Council members are present when the date and time of the Special Meeting is determined or all members have waived, in writing, notice of the date and time of the Special meeting (Charter Section 6.6, 6.9).

D. Pre-Meeting Packet

The Clerk shall cause a pre-meeting packet for each regular Council meeting to be delivered to the Mayor and each Council member by Thursday of the week preceding the meeting. The packet pertaining to a special council meeting shall be delivered as soon as possible after posting of the meeting but no less than eight (8) hours before the meeting. The packet for all meetings shall contain the proposed meeting agenda and all matters proposed to be considered at the meeting plus their supporting documents. All meeting packets will be delivered by electronic means or hard copy placed in the Council member's City Hall mailbox, or both, pursuant to an individual member's written request. Absent a member's written request, delivery will be by electronic means.

E. Quorum

A quorum of the Council is established when four (4) or more members are present in person at a meeting. Once established, a quorum is defeated if less than four (4) members remain to conduct business. If a quorum is not established or maintained the remaining members must adjourn the meeting. (Charter Section 6.7)

F. Attendance at Council Meetings

Election to the City Council is freely sought by the nominee and carries with it the responsibility to participate in council activities and represent the residents of the city. Attendance at council meetings is critical to fulfilling this responsibility and Council compels attendance. (Charter Section 5/7) The city is empowered to adjourn a meeting if a quorum is not present in a manner prescribed by the Charter in Sections 5.7 and 6.10.

The Council by a majority vote of those present may require the attendance at any meeting of any appointive officer of the City and any other employee through the chain of command process. (Charter Section 6.10)

G. Minutes of Regular and Special Meeting of Council

The Clerk shall attend the Council meetings and record all the proceedings and resolutions of the Council in accordance with law and the Open Meetings Act. 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. Draft minutes of each Council meeting shall be posted in compliance with the Open Meetings Act (P. A. 267, 1976 as

amended) on the city website and at City Hall. Approved minutes shall be available for public inspection not later than required by the Open Meetings Act (P. A. 267, 1976 as amended) after the meeting at which they are approved by the Council.

H. Closed Sessions

The Council shall meet in closed session only for the purposes allowed by the Open Meetings Act (P. A. 267, 1976 as amended).

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 of 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.

Minutes of the closed meeting 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 as authorized by the 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.

I. Public Participation

To facilitate the constitutional right of citizens to address their government for a redress of grievances, the public is invited and encouraged to attend all City Council Meetings and to address the City Council during the periods reserved for public comment. The public is further encouraged to ask questions of Council and City management. If possible, answers will be given during Council Meeting. Questions that cannot be answered in the Council Meeting because of detail, time constraints, confidentiality, or other factors will be referred to the City Manager for subsequent review with the questioner. The Council shall make every effort to encourage public participation. Unless granted more time by the Mayor, each member of the public is limited to three (3) minutes. Upon request, a member of the public may be granted an extended period of comment at the conclusion of the remaining agenda items.

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 Chairperson 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.

J. Conduct of Meetings

Presiding Official. The Mayor shall preside over all Council meetings. The Mayor Pro-Tem shall preside in the absence of the Mayor. If neither person is present at a

meeting, the Council shall select one of its members to preside until the Mayor or Mayor Pro-Tem is present and seated. All matters to come before the meeting shall be addressed to the presiding official.

The presiding official shall endeavor to conduct the meeting in a fashion that draws a balance between the informality and congeniality possible in a small community the size of the City of Davison while also maintaining the decorum and formality necessary to transact business in an orderly fashion. (Charter Section 6.10)

There will be a location designation within the meeting hall for the media to situate and attend the regular and special meetings of the City Council. It is intended and expected that the members of the press will maintain this location and not be disruptive to the conduct of the meeting.

Agenda. All regular meetings shall be subject to an agenda that will be set by the Council at the opening of business at each meeting. By motion, any Council member shall have the right to request items to be added to or deleted from the regular agenda before it is approved or as part of the motion to approve the Agenda. Any Council Member shall also have the right to add items to the agenda prior to the deadline for submission of items by submitting to the Mayor and City Manager the items or item to be added. These items or item will be added to the agenda and will be in the Council Meeting Packet. Any item placed on the agenda shall appear on each successive agenda unless disposed of, tabled indefinitely, or tabled until a certain date at which time the item shall reappear.

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 this agenda can be the receiving of minutes from other authorities, boards, and commissions, 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.

The agenda of each regular meeting shall consist of the following:

1. Call to order and roll call of Council
2. Public hearings on ordinances under consideration
3. Approval of the regular agenda
4. Public comments and questions not included on the agenda
5. Brief public comments and questions on agenda items
6. Approval of consent agenda
7. Approval of Council minutes from previous meeting
8. Submission and approval of bills for payment
9. Communications to the Council
10. Reports from Council committees

11. Reports from appointive officers as scheduled
12. Unfinished business
13. New business
14. Announcements
15. Adjournment

K. Parliamentary Procedure

Parliamentary procedures in the Council meeting shall be guided by Roberts Rules of Order. Any matter before the Council for action shall be brought by a motion of a Council Member.

1. Precedence and Classification of Motions. Motions shall consist of four classes: privileged motions, incidental motions, subsidiary motions, and main motions.
 - a. Privileged Motions. These motions are given precedence over all motions.
 - b. Incidental Motions. These motions are concerned with the rights and privileges of the members, and their purpose is to handle procedural problems which arise out of the consideration of other questions.
 - c. Subsidiary Motions. This is a group of alternative methods of changing or disposing of a main motion. Such motions are always subsidiary to a main motion and therefore can only be proposed when the main motion is before the Council.
 - d. Main motions consist of all motions which bring or raise a particular subject to the Council for decision, as opposed to a procedural issue. These motions will constitute the principal business of a meeting.

The following are divisions of the types of motions listed in order of precedence:

I. Privileged Motions

1. Adjourn
2. Recess
3. Question of privilege

II. Incidental Motions

4. Point of order - Parliamentary Inquiry
5. Appeal
6. Suspend Rules (2/3)
7. Withdraw a Motion
8. Objection to consideration (2/3)

III. Subsidiary Motions

9. Lay on the Table - Take from the Table
10. Vote Immediately - close debate (2/3)
11. Postpone Temporarily

12. Refer to Committee - Remove from Committee
13. Amend or Substitute
14. Postpone indefinitely

IV. Main Motion

15. General Main Motion
16. To reconsider
17. To rescind (2/3 with no previous notice)

L. Voting

Election to a deliberative body carries with it the obligation to vote. Council members present at the meeting shall vote on every matter before the body unless otherwise excused or prohibited from voting by law.

Conflict of interest, as defined by law, shall be the sole reason for a member to abstain from voting. The opinion of the City Attorney shall be binding on the Council with respect to the existence of a conflict of interest. A vote may be tabled, if necessary, to obtain the opinion of the City Attorney.

M. Conduct of Council Members

Each Council member shall conduct him or herself in a manner consistent with the dignity and decorum of the office and shall act in a manner that accords respect to the public, staff members, the Mayor, and fellow Council members.

During the Council discussion and debate, no member shall speak until recognized for that purpose by the Chairperson. 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 Chairperson, 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 the opportunity to do so.

Except for purposes of inquiries and investigations, the Council and its members shall deal with city officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager.

N. Council Standing Committees, Special Committees, and Citizen Task Forces

Standing committees are established by these Rules to assist the City Council in its work.

Finance Committee

1. Deals with the budget review and recommendations.
2. Deals with the Treasurer and Clerk as it relates to Bills Presented for

Payment and Revenue and Expense report.

3. Recommends financial policies to Council including aspects of investment policy.
4. Addresses sources of income for long-term viability of the City.
5. Makes recommendations for the amount of draw upon reserve funds and the uses of the same funds, either one or both.

Personnel Committee

1. Deals with hiring, and discharge of appointed officials.
2. Deals with aspects of wages and fringe of City employees.
3. Develops an appraisal process for the City Manager.
4. Solicits comments from Council Members concerning Appointed Officers to aid the City Manager in their appraisals.

Policy Committee

1. Reviews Ordinances for revision, deletion, or addition of new ordinances.
2. Recommends ordinances and policy changes to Council as needed or requested by Council.
3. Reviews City Charter.
4. Reviews City ordinances and policies.
5. Coordinates with Planning Commission on zoning ordinance related issues.
6. Develops an orderly ordinance repeal process under Council guidance and approval.
7. Seeks public help in ordinance revision.

Committee members shall be appointed by the Mayor, subject to approval by a majority vote of the Council. They shall be members of the Council. The Mayor shall fill any committee vacancies, subject to approval by a majority vote of the Council. The committee member shall serve for a term of one year and may be re-appointed.

Special Committees may be established for a specific task by the Mayor or by a resolution or motion of the Council. Special Committees shall bring all recommendations for action to Council for its disposition. There shall be a specific date of dissolution set for each Special Committee. Members of such committees shall be appointed by the Mayor, subject to approval by a majority vote of the Council. Vacancies shall be filled by a majority vote of the Council in the same way appointments are made.

Citizen Task Forces may be established for a specific task by the Mayor or by a resolution or motion of the Council. Task Forces shall bring all recommendations for action to Council for its disposition. There shall be a specific date of dissolution set for each Task Force. Members of such Task Forces shall be appointed by the Mayor, subject to approval by a majority vote of the Council. Vacancies shall be filled by a

majority vote of the Council in the same way appointments are made.

All business conducted by the Standing Committees, Special Committees, or Task Forces shall be authorized and referred to the Committees or Task Forces by a majority vote of the Council.

O. Legislation

All actions taken by the City Council shall be by ordinance, resolution, or a motion as provided by the City Charter. (Charter Section 10.2) Any one or more Council members may introduce a request for an ordinance, an amendment of an ordinance, a resolution, or a motion. The request shall be submitted to the Clerk who shall record the date and time of the receipt of the request, and shall provide a copy of the request to the City Manager, the City Attorney as necessary, and to any department head affected by the request, and shall also provide a copy to each City Council member and the Mayor placing a copy in the next City Council pre-meeting packet. Accounting for specific requirements of Resolutions, the City Manager will place the request for action on the agenda for the next regular City Council meeting under the New Business heading. If the Council pre-meeting packet does not contain a copy of the request, it may not be considered until the next meeting unless the Council votes otherwise. Resolution requests are subject to further requirements described in Section P, Resolutions.

The Clerk shall provide a copy of the text of a proposed ordinance or amendment to the Mayor and each Council member in the Council Packet preferably one meeting prior to its being considered for First Reading. In each ordinance amending an existing ordinance, changes or new matters shall be placed in capital type, and matter which has been omitted shall be indicated by printing in stricken through type. Every ordinance shall have endorsed thereon the name of the Council member or members introducing it.

All ordinances and their amendments must be in writing and shall be approved as to legal content, wording, form, and section numbering by the City Attorney. The regular order for consideration of ordinance proposals shall be:

1. Introduction, first reading by title.
2. Referral to applicable committee, if appropriate.
3. Public hearing scheduled by Council when required, to be held not sooner than five days after notice of the hearing is posted, except in the case of emergency ordinances.
4. Written committee or staff reports on the ordinance presented to the Council.
5. Final reading and passage. (Charter Section 10.6)

P. Resolutions

Any member intending to place a resolution on the Council Agenda shall submit to the

Clerk a written request and a sample draft copy of the resolution. The Clerk shall record the date and time of the receipt of the request and shall provide a copy of the request and the sample draft copy of the resolution to the City Manager. The request shall be submitted not less than ten (10) business days prior to the Council meeting at which the member wishes the resolution to be considered. The City Manager shall place the item on the agenda under New Business for consideration and disposition by Council at the next regular Council meeting. The Clerk shall include this request for resolution in the pre-meeting packet to be presented to the Council for the next applicable regular Council meeting.

Any resolution concerning an increase in a fee or fees in the Schedule of Fees must be presented at two Council meetings.

III. Training of Council Members

All Council members are encouraged and expected to be informed on items and issues affecting the government of the City of Davison. One method of being informed is to participate in training opportunities as provided by the Michigan Municipal League which are offered from time to time. It is therefore recommended, when appropriate, that all members of Council avail themselves of these opportunities.

IV. Certificate of Adoption

Certified to be a complete and accurate revised set of the Rules of the City Council of the City of Davison adopted by resolution at its regular meeting held

_____ .

Andrea L. Schroeder, City Clerk
City of Davison, Michigan

Date: _____