

SHELBY VILLAGE COUNCIL RULES OF PROCEDURE

I. 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 second and fourth Monday of each month beginning at 7:00 p.m. at the village hall unless otherwise rescheduled by resolution of the council. Council meetings shall conclude no later than 10:00 P.M., subject to extension by the council.

B. Special Meetings

A special meeting shall be called by the clerk upon the request of the president or any three members of the council on at least 18 hours notice to each member of the council served personally or left at 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

- i. Within 10 days after the first meeting of the council following an election, a public notice stating the dates, times and places of the regular monthly council meetings will be posted at the village offices. If there is a change in the general schedule of regular meetings, the change will be posted within three (3) days after the change has been made, showing the new dates, times, and places for regular meetings.
- ii. 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 hall at least 18 hours before the meeting. This also applies to a recessed meeting which occurs more than 36 hours after the time of recess.
- iii. 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 a delay would be detrimental to the village's efforts in responding to the threat.

D. Minutes of regular and special meetings

The clerk shall attend the council meetings and record all the 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. 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.

Within 8 business days of a council meeting a synopsis showing the substance of each separate decision of the council or the entirety of the council proceedings shall be prepared by the clerk and shall indicate the vote of the council members. After the president approves this document, within 5 days it shall be posted on the village hall announcement board. A copy of the minutes of each regular or special council meeting shall be available for public inspection at the village offices during regular business hours.

E. Study sessions

Upon the call of the president or the council and with appropriate notice to the council members and 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.

II. 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 (see Section V "Citizen Participation"), 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 village clerk or appointee with the following suggested order of business:

- a. Call to order
- b. Roll call of council
- c. Pledge of Allegiance
- d. Minutes of previous meeting
- e. Presidents Report
- f. Public Hearing
- g. Citizens participation (old business & new business)
- h. Introduction of Resolutions
- i. Introduction and Adoption of Ordinances
- j. Reports of Officers
- k. Payment of Bills
- l. Adjournment

Any council member shall have the right to add items to the regular agenda before it is approved.

C. Agenda distribution

Council members will receive their packets and agendas a minimum of two days prior to the meeting date and shall be hand delivered.

D. 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.

E. Attendance at council meetings

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 citizens 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 its ordinance.

The council may excuse absences for cause. If a council member has more than three unexcused 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.

F. Presiding Officer

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. The president shall appoint one of its member's president pro tempore, who shall preside in the absence of the president. In the absence of both the president and the president pro tempore, the member present who has the longest consecutive service on the council shall preside.

G. Disorderly conduct

The president may call to order any person who is being disorderly by speaking out of order or otherwise disrupting the proceedings, failing to be relevant, 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 president or chair person. If the person shall continue, to be disorderly and disrupt the meeting, the chair may order the sergeant at arms to remove the person from the meeting. No person shall be removed from the meeting except for an actual breach of the peace committed at the meeting.

III. Closed Meetings

A. Purpose

Closed meeting may be held only for the reasons authorized in the Open Meetings Act, which are the following:

- i. 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.
- ii. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed Hearing.
- iii. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
- iv. 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.
- v. 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 a public office shall be held in an open meeting.
- vi. To consider material exempt from discussion or disclosure by state or federal statute.

B. Calling closed meetings

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.I of the Open Meetings Act. The roll call vote and purpose 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 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, 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.

IV. Discussion and voting

A. Rules of parliamentary procedure

The rules of parliamentary practice as contained in the latest edition of Robert's Rule of Order shall guide the council in all cases to which they are applicable (Roberts Rule will be used as a guide not the rule), 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.

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 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 unless it is a unanimous vote. If the vote is unanimous, it shall be necessary only to so state in the minutes, unless a roll call vote is required by law or by council rules.

D. Roll Call Vote

In all roll call votes, the president is the last vote taken.

E. Duty to vote

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

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. A vote may be tabled, if necessary, to obtain the opinion of the village attorney.

The right to vote is limited to the members of council present at the time the vote is taken. 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.

V. Citizen participation

A. General

Each regular council meeting agenda shall provide for reserved time for citizen participation.

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 citizens participation.

B. Length of presentation

Any person who addresses the council during a council meeting or public hearing may be limited to 3 minutes in length per individual presentation. The clerk will maintain the official time and notify the chair when the speaker's time is up. This can be enforced at any time by the chair. The purpose is to give as many citizens as possible time to address the council.

C. Addressing the council

When a person addresses the council, he or she shall clearly 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. The Chair may respond, redirect the question to the appropriate staff person, if present or choose to take the question under advisement to be answered at a later specified time. 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. Miscellaneous

A. Adoption and amendment of rules of procedure

These rules of procedure of the council will be placed on the agenda of the first meeting of the council following the seating of a newly elected council member for review. A copy of the rules shall be distributed to each council member if requested.

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.

These rules should not supersede the Shelby village charter or the General Law village act.

B. Suspension of rules

The rules of the council 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 State Constitutions.

C. Committees

i. Standing and special committees

The village of Shelby shall have the following standing committees:

1. Planning Commission
2. Water and Sanitation
3. Streets and Sidewalks
4. Parks, Recreation & Buildings
5. Finance, Insurance & Personnel
6. Ordinances

Committee members will be appointed by the president. They shall be members of the council. The president shall fill any committee vacancies as needed. Committees and

committee members may be changed at any time by the president to fit the needs of the village.

Special committees may be established for a specific period of time by the president or by a resolution of the council which specifies the task of the special committee and the date of its dissolution. The president shall hold a seat on all committees.

ii. 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 appointed by the president. Citizen task force is a public body and must comply with the Open Meetings Act.

D. Authorization for contacting the village attorney

The following officials are authorized to contact the village attorney regarding municipal matters:

- A. Village President
- B. Village Clerk/Village Treasurer
- C. Superintendent of public works
- D. Chief of police
- E. Or by majority vote of the council
- F. Or by approval of the Village President

E. Training for new council Members

It is required that all council members should as soon as available, attend a training class or training conference on the Open Meetings Act and FOA (Freedom of Information Act) or provide proof of training. It should be encouraged to attend at least one additional class or conference per year.

Motion made by Ross Field to adopt the Shelby Village Council Rules of Procedure. Supported by Newman. Yeas: Wilson, Field, Setlak, Newman, Michalko, Morse. Nays: Morningstar. Motion carried 6-1. July 28, 2008

Motion made by Ben Michalko to adopt the Shelby Village Council Rules of Procedure as amended. Support by Paula Michalko. All in favor. Motion carried 7-0. January 10, 2011