

# VILLAGE OF LAKE ODESSA

## VILLAGE COUNCIL RULES OF PROCEDURE

Adopted: November 21, 2016

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## **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 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.**
  - 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.** 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. 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, 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. 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](http://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 on agenda items
6. Minutes
7. Expenditures
8. Approval of consent agenda
9. Staff and committee reports
10. Unfinished business
11. New business

12. Public hearings on ordinances under consideration
13. Communications to the council
14. Trustee Comments
15. Public comment period
16. 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. The Council, by unanimous vote, 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.

**G. 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, with concurrence of the Council, shall appoint one member President Pro Tempore, who shall preside in the absence of the

President. 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 President 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 chair 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 MEETINGS**

**A. Purpose.** Closed meetings 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 a public officer, employee, staff member or individual agent when 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 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.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 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 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.** 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. 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 five 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. Standing and special committees of council. The Village shall have the following standing committees:

- a. Personnel/Finance: Makes recommendations to the Village Council regarding human resource issues and Village financial matters; conducts appeal hearings on employee complaints in accordance with the Employee Policies & Procedure Handbook.
- b. Recreation/Special Projects: Makes recommendations to the Village Council with regard to recreational facilities and policies, as well as such other matters as may be referred to it from time to time by the Village Council.

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

**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