

Section 2: Roles and Responsibilities

Chapter 4: Successful Meetings

Rules of Procedure

One of the most important actions a council takes is to adopt rules of procedure to govern its meetings. Every general law village is required by the General Law Village Act to adopt “rules of its own proceedings.” MCL 65.5. These rules of procedure help the council to run an efficient meeting and to deal with the public and the media in a positive manner.

Council rules provide a detailed and specific set of guidelines that can be tailored to meet the unique needs of a particular municipality. There are several reasons to adopt council rules:

1. **Promoting fairness and transparency:** Council rules help to ensure that all members have an opportunity to participate in the decision-making process and that official actions are taken in an open and accountable way.
2. **Encouraging efficiency:** Council rules help to ensure that meetings are conducted in an efficient manner, which can save time and resources and allow the council to focus on the most important issues facing the community.
3. **Allowing for flexibility:** Council rules are typically easier to change than a charter amendment or state statute, which makes them a flexible and useful tool for local governments, allowing the council to respond quickly to new challenges.
4. **Supporting good governance:** Council rules help to ensure that meetings are conducted in a manner that is respectful to all members of the community.

5. Supplementing charter requirements:

Council rules can help to supplement the requirements of the charter by providing a more detailed set of procedures for conducting council meetings and making official decisions.

By establishing clear procedures and guidelines, council rules help to ensure that meetings are conducted in a manner that is in the best interests of the community and that official decisions are made efficiently and in an open and transparent way. All municipalities should consider adopting council rules as part of their governing process, even if only to supplement their charter requirements.

Sample Council Rules Provisions

- a. Notification of meetings
- b. Regular and special meetings
- c. Attendance at meetings
- d. Agenda preparation and distribution (including the use of a consent agenda)
- e. Discussion and voting
- f. Public hearings
- g. Parliamentary procedure
- h. Conduct of meetings (decorum of trustees; disorderly conduct)
- i. Citizen participation
- j. Minute preparation
- k. Committees (establishing; appointments; duties and responsibilities)

The council should review its rules of procedure at its first meeting after councilmembers elected at the municipality’s regular election have taken office and when a quorum is present. Following discussion and any amendments,

the council should adopt the rules of procedure by majority vote.

The rules should indicate the sequence of the council agenda as well as the procedure for holding public meetings. They might also include whether the mayor is entitled to speak in debate, any restrictions on abstentions, how items are added to the agenda, how the agenda is distributed, limits on speeches, and anything else involving how meetings are procedurally conducted.

Agendas

An agenda is a guide for conducting an official business meeting of a duly constituted body. Generally, the person who sets the agenda is the presiding officer (hereafter called the chair). The chair should set a deadline before each meeting to receive agenda items. The deadline should allow enough time before the meeting for an agenda to be produced and supporting information and documents to be mailed or delivered to the members. Board or council members should have enough time before the meeting to read and digest the information. Allowing time for the members to prepare will help the meeting proceed at a more efficient pace.

The chair should mail a message or verbally remind each person on the board or council of the deadline each time an agenda is being prepared. Most people can be verbally reminded before the preceding meeting is adjourned. Other interested and appropriate individuals should also be notified of the date and time when agenda items are due.

The person responsible for each agenda item should be listed on the printed agenda next to that item.

Sample Agenda Outline

a. Call to order and roll call of council

- b. Public hearings on ordinances under consideration
- c. Brief public comment on agenda items
- d. Approval of consent agenda
- e. Approval of regular agenda
- f. Approval of council minutes
- g. Submission of bills
- h. Communications to the council
- i. Reports from council committees
- j. Reports from municipal officers as scheduled, e.g., manager, attorney, etc.
- k. Unfinished business
- l. New business
- m. Announcements
- n. Adjournment

Open Meetings Act

The basic intent of the Open Meetings Act (OMA) is to strengthen the right of all Michigan citizens to be informed of government operations.

Briefly, the OMA requires that nearly all deliberations and decisions of a public body be made in public. The general rule of thumb is that the public's business should be conducted in public. It is important to deliberate when making decisions so that constituents know why they are being made. Deliberations and documents may be kept confidential only when disclosure would be detrimental to the municipality, not when the matter would be uncomfortable or embarrassing.

When specific circumstances cause you to question the appropriateness of a closed session or the appropriate posting requirements, the safest course of action is to follow the guidance of your municipal attorney. The specific details of the situation, and recent legislation and court decisions, will make each situation unique.

Closed Meetings

In order for a public body to hold a closed meeting, a roll call vote must be taken; depending on the circumstances, either two-thirds of its members must vote

affirmatively, or it must be a majority vote. (See Appendix 2: Overview of the Michigan Open Meetings Act). Also, the purpose for which the closed meeting is being called must be stated in the meeting when the roll call is taken. The law provides for closed meetings in a few specified circumstances:

- to consider the purchase or lease of real property (2/3 vote);
- to consult with its attorney about trial or settlement strategy in pending litigation, but only when an open meeting would have detrimental financial effect on the public body's position (2/3 vote);
- to review the contents of an application for employment or appointment to a public office when the candidate requests the application to remain confidential (2/3 vote). However, all interviews by a public body for employment or appointment to a public office must be conducted in an open meeting;
- to consider material exempt from discussion or disclosure by state or federal statute (2/3 vote); and
- to consider dismissal, suspension or disciplining of, or to hear complaints or charges brought against or to consider a periodic personnel evaluation of, a public officer or employee if requested by the named person (majority vote).

Recording Minutes

Minutes are recorded to provide an accurate written history of the proceedings of a board, commission, or committee meeting. The OMA contains the legal requirements for minutes of public body meetings.

Minutes must be kept for all meetings and are required to contain:

- a statement of the time, date, and place of the meeting;
- the members present as well as absent;
- a record of any decisions made at the meeting and a record of all roll call votes; and

- an explanation of the purpose(s) if the meeting is a closed session.

Except for minutes taken during a closed session, all minutes are considered public records, open for public inspection, and must be available for review as well as copying at the address designated on the public notice for the meeting.

Proposed minutes must be available for public inspection within eight business days after a meeting. Approved minutes must be available within five business days after the meeting at which they were approved.

Corrections in the minutes must be made no later than the next meeting after the meeting to which the minutes refer. Corrected minutes must be available no later than the next meeting after the correction and must show both the original entry and the correction.

Closed Meeting Minutes

Minutes of closed meetings must also be recorded, although they are not available for public inspection and would only be disclosed if required by a civil action. 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.

Public Hearings

Council rules should include a procedure for public hearings. A public hearing is that portion of a meeting designed specifically to receive input from the public on a single issue. It may be required by ordinance, charter, or statute. The time, place, and subject of the hearing must be posted as required by the ordinance, charter, or statute. The hearing may be before, during, or after a regular meeting or may be at a special meeting called specifically for that purpose. Public hearings are formal meetings of the council to obtain input from the public. Public hearings offer citizens an

opportunity to be heard and should be viewed as a serious effort on the part of elected officials to secure as much information as possible about a topic before a final decision is made. Public hearings are legal requirement for some matters, such as:

- adoption of the budget and
- changing the zoning ordinance.

Even if not required by law, a public hearing can be useful in helping municipal officials understand how their constituents feel about a particular issue and why they feel that way.

Parliamentary Procedure

A good working knowledge of meeting management and the basic elements of parliamentary procedure will engender a sense of confidence at your first public meeting. It is important to understand how to make a motion, what is expected in debate, and how a vote is taken. In other words, it is important to know and understand your rights and how to enforce and protect them.

Parliamentary procedure is not meant to be restrictive or prevent free expression of opinion, but rather to protect the rights of all—the majority, the minority, individual members, absent members, and all of these together. For a governmental body, that also includes your constituency—the public. The purpose is to expedite business, maintain order, ensure justice, and make sure that the will of the organization is accomplished properly and fairly. These procedures are designed to help, not hinder, the process.

In a message to Congress in 1961, President John F. Kennedy stated, “The basis of effective government is public confidence.” As a member of your municipal council, you can help inspire that confidence by being professional in your duties, by having a good working knowledge of

parliamentary procedure, and by projecting your image as an efficient, fair-minded, knowledgeable official. An orderly, smoothly run meeting, one that accomplishes the tasks at hand, should be your goal.

Parliamentary law is composed of the rules and customs governing deliberative assemblies. The most widely used authority is *Robert’s Rules of Order Newly Revised (Roberts Rules)*, used by more than 75 percent of all deliberative assemblies, including governmental bodies. Meetings of governmental bodies are regulated by federal and state laws (such as the Open Meetings Act), which take priority, and local charters, and any rules that your municipality has adopted regarding procedure. If you have adopted the current version of *Roberts Rules*, it should be consulted as a last resort if nothing else applies, not as the first and foremost authority.

As a member of the public body, you have the responsibility to become familiar with requirements and restrictions under the OMA, your governing documents—especially your charter—and your council rules of procedure. There are some basic concepts that are common to all organizations: a quorum must be present to take legal action; only one main proposition can be on the floor at a time; only one member can speak at a time; the issue and not the person is always what is under discussion; and usually, a majority vote decides.

A motion is handled in the following manner:

1. A member is recognized and makes a motion by stating “I move...” (Never use “I want to...” or “I think we should...” or “I motion...” or “So moved.”)
2. Another member “seconds” the motion, without waiting for recognition. This means that another person thinks the subject is important enough for discussion and vote. (To expedite

business and avoid confusion when no second is offered, you might want to adopt a rule that eliminates the requirement for a second.)

3. The chair states the question: "It is moved and seconded that..." The motion now belongs to the assembly for discussion.
4. The chair asks: "Is there any discussion?" or "Are you ready for the question?" The motion is opened for debate, and the member who made the motion has first priority in speaking to the question. According to *Roberts Rules*, each member has the right to speak twice in debate but may not speak the second time until everyone has a chance to speak once.
5. The chair states "The question is on the adoption of the motion to..." the vote is taken by whatever means is established in your community. If by voice vote, "All those in favor say 'aye'. All those opposed, say 'no'."
6. The chair announces the results of the vote. "The ayes have it and the motion is adopted." Or "The nays have it, and the motion is lost."

The chair must be comfortable not only with procedures in handling motions, but also showing impartiality, keeping the discussion focused, soliciting opinions from members, not allowing blame-oriented statements, protecting staff and colleagues from verbal abuse or attack, encouraging alternate solutions, making sure everyone knows what is being voted on, and even explaining what a yes or a no vote means.

Individual members should respect their colleagues and the chair, obtain the floor by being recognized by the chair before speaking, use correct terminology, limit remarks to the issue under consideration, raise concerns and objections during debate, and actively listen to citizen input and discussion.

Also, it is important to remember that silence gives consent. Some communities have a restriction on the ability of members to abstain from voting or they may need approval of a majority, or even unanimous approval, of the other members, in order to abstain from voting. If you have no such rule, you may abstain, but the abstention is not counted as a "yes" or "no" vote. In essence, you have given your permission to the will of the majority, whatever that might be.

Following are the five classes of motions and some examples of when to use them:

1. **Main motion.**
 - to introduce a subject, *make a main motion*
2. **Subsidiary motions assist the members in treating or disposing of a main motion.**
 - to kill or reject a main motion without a direct vote on it, *move to postpone indefinitely*
 - to change a pending motion, *move to amend*
 - to send a pending question to a small group for further study, *move to commit or refer*
 - to put off action or a decision until later in the same or next meeting, *move to postpone definitely*
 - to change the rules of debate, *move to limit or extend limits of debate*
 - to close debate, *move the previous question*
 - to set aside the pending question temporarily in order to take up more pressing business, *move to lay on the table*
3. **Privileged motions deal with rights and privileges of members and do not directly affect the main motion.**
 - to return to the printed agenda, *call for the orders of the day*
 - to secure a privilege, such as ensuring your ability to see or hear, *raise a question of privilege*

- to take a short break in the meeting, *move to recess*
 - to close a meeting, *move to adjourn*
 - to set a time to continue the business to another day without adjourning the current meeting, *move to fix the time to which to adjourn*
4. **Incidental motions are incidental to the business at hand.**
- to endorse the rules, *rise to a point of order*
 - to reverse or question the decision of the chair, *appeal*
 - to question the correctness of a voice vote as announced by the chair, *call for a division of the assembly* (rising vote)
5. **Motions that bring a question again before the assembly allow the assembly to reopen a completed question.**
- to give members a chance to change their minds, some motions can be debated and revoted. The move must come from the prevailing side (yes if it was adopted; no if it failed), *move to reconsider*
- to change what was adopted at a previous meeting, *move to amend something previously adopted*
 - to change the outcome of an affirmative vote, *move to rescind*

Each of these motions, of course, has its own rules regarding when it is in order, if it must be seconded, if it is debatable or amendable, and what vote is required for adoption; and even if it can be reconsidered. Make it your business to become as knowledgeable as you can, and then share your knowledge with others.

Original chapter by **Connie M. Deford**, retired city clerk of Bay City; revised by **Henry Ballout** and **John Gillooly** of the law firm Garan Luow.



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