



## **VILLAGE OF BIRCH RUN RULES OF PROCEDURE FOR VILLAGE COUNCIL MEETINGS**

### **REGULAR AND SPECIAL MEETINGS**

All meetings of the Village Council will be held in compliance with state statutes, including the Open Meetings Act, PA 267 of 1976, as amended, and with these rules.

#### **1. Regular Meetings**

The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least one such meeting each month<sup>1</sup>. Such regular meetings of the Village Council will be held on the fourth Monday of each month beginning at 7:00 p.m. at the Village Office, 12060 Heath Street, Birch Run, Michigan, unless otherwise rescheduled by a majority vote of the Council. Council meetings shall conclude no later than 10:00 p.m., subject to extension by a majority vote of the quorum present.

#### **2. Special Meetings**

A special meeting shall be called by the Clerk upon the written request of the President or any two members of the Council on at least six (6) hours written notice to each member of the Council, served personally or left at the Council member's usual place of residence, but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing<sup>2</sup>. 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<sup>3</sup>.

#### **3. Posting Requirements for Regular and Special Meetings**

On or before the regular Council meeting scheduled in December, a resolution stating the dates, times and places of the regular Village Council meetings for the following calendar year shall be adopted by Council and be posted at the Village Office.

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<sup>1</sup> As set forth in Section 6.1 of the Village Charter

<sup>2</sup> As set forth in Section 6.2 of the Village Charter

<sup>3</sup> As set forth in Section 6.3 of the Village Charter

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 least 18 hours before the meeting at the Village Office. Such notice 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.

#### **4. Minutes of Regular and Special Meetings**

The Village Clerk, or their appointed Deputy, shall attend the Council meetings and record all the proceedings and resolutions of the Council in accordance with the Open Meetings Act.

### **CONDUCT OF MEETINGS**

#### **1. Meeting 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.

#### **2. Agenda Preparation**

The Village Manager, after meeting with the Village administrative staff, shall prepare an agenda for each regular Village Council meeting. The agenda will include approval of meeting minutes, financial matters, old business (if any), new business (if any), and written reports.

Requests from residents, organization representatives, or any other individual or group to be formally placed on the agenda to address the Council must be submitted to the Village Clerk in writing, along with the specific reason(s) for said request or subject(s) to be discussed. The deadline for requests to be placed on the agenda is 5:00pm on the Wednesday immediately prior to the meeting<sup>4</sup>.

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<sup>4</sup> As set forth in Village of Birch Run Policy #97-3

### **3. Agenda Distribution**

Agendas, along with appropriate support information, will be provided to the Village Council no later than Friday prior to the meeting.

As a professional courtesy to staff, Council members shall make every effort to indicate to staff if technical questions are going to be asked. Council members shall review the Village Council meeting packet of information prior to the meeting.

Council members shall direct all inquiries regarding Village Council meeting agenda items or Village activities, policies, or issues to the Village Manager. The Village Manager may direct other staff persons to respond, unless inquiries are relevant to statutorily required or assigned responsibilities of the staff person.

### **4. Agenda Approval**

At the beginning of each meeting, the presiding officer will entertain a motion to adopt the agenda as printed. At this time the agenda can be finalized or amended by a majority vote of the Council present, any additions to the agenda must have majority approval.

However, no business will be brought to the Council that relates to the normal duties of the Village Manager unless that item has been previously directed to the attention of the Village Manager. The item will be heard if placed on the agenda by a majority vote.

### **5. Quorum**

A majority of the entire elected or appointed and sworn members of the Village Council shall constitute a quorum for the transaction of business at all Village 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<sup>5</sup>.

### **6. Attendance at Village Council Meetings**

Election to the Village Council is a privilege freely sought by the nominee. It carries with it the responsibility to participate in Village Council activities and represent the residents of the Village of Birch Run. Attendance at Village Council meetings is critical to fulfilling this responsibility.

The Village Council may excuse the absence of any Council member, along with entering the reason therefore into the proceedings at the time of each absence. If a Village Council member has more than four (4) unexcused consecutive absences from regular Village Council

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<sup>5</sup> As set forth in Section 6.5 of the Village Charter

meetings, or is absent for over 25% of the meetings in any fiscal year of the Village, the Village Council shall declare a vacancy in their office<sup>6</sup>.

Any two (2) or more members of the Council may by vote either request or compel the attendance of its members and other officers of the Village at any meeting. Any member of the Council or other officer who when notified of such request for their attendance, fails to attend such meeting for reasons other than confining illness or absence from Saginaw County, shall be deemed guilty of misconduct in office unless excused by the Council<sup>7</sup>.

#### **7. Presiding Officer**

The presiding officer shall be responsible for enforcing these rules of procedure and for enforcing orderly conduct at meetings<sup>8</sup>. The Village President shall be the presiding officer. In the event of the absence or disability of the President, the Council designates that the longest serving Council member shall serve as acting President<sup>9</sup>.

#### **8. Disorderly Conduct**

The presiding officer 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 presiding officer determines whether the person is in order.

If the person shall continue to be disorderly and disrupt the meeting, the presiding officer may order the sergeant-at-arms to remove the person from the meeting. The Chief of Police shall serve as the sergeant-at-arms of the Council<sup>10</sup>. No person shall be removed from a public meeting except for an actual breach of the peace committed at the meeting.

### **CLOSED MEETINGS**

#### **1. Purposes**

Closed meetings may be held only for the reasons authorized in the Open Meetings Act, which are as follows:

- To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a

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<sup>6</sup> As set forth in Section 5.2 of the Village Charter

<sup>7</sup> As set forth in Section 6.6 of the Village Charter

<sup>8</sup> As set forth in Section 6.6 of the Village Charter

<sup>9</sup> As adopted by Resolution #02-018

<sup>10</sup> As set forth in Section 6.6 of the Village Charter

periodic personnel evaluation of, a public officer, employee, staff member or individual agent when the named person requests a closed meeting.

- For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.
- To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
- 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 Village Council.
- 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.
- To consider material exempt from discussion or disclosure by state or federal statute.

## **2. Calling Closed Meetings**

At a regular or special meeting, the Village Council members, elected or appointed and serving, by a two-thirds roll call vote may call a closed session under the conditions outlined in 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.

## **3. Minutes of Closed Meetings**

A separate set of minutes shall be taken by the Village Clerk or the designated secretary of the Council at the closed session. These minutes will be retained by the Clerk, and 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 (1) year and one (1) day after approval of the minutes of the regular meeting at which the closed session was approved.

## **4. Confidentiality of Closed Meeting Information**

A Village Council member shall not divulge to an unauthorized person confidential information discussed in a closed session in advance of the time prescribed for its authorized release to the public by the Village Council. Council members shall honor the confidentiality of the debate, discussion, and preliminary action taken in closed

session, and be aware of the potential financial liability and/or harm to the reputation of the Village by premature disclosure.

## **DISCUSSION AND VOTING**

### **1. 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 presiding officer shall preserve order and decorum and may speak to points of order in preference to other Council members. The presiding officer 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 presiding officer be sustained?" If the majority of the members present vote "yes," the ruling of the presiding officer is sustained; otherwise it is overruled.

### **2. Conduct of Discussion**

During the Council discussion and debate, members may speak in turn to the question or topic at hand and shall not be interrupted except by a point of order or privilege raised by another Council member. Speakers should maintain a courteous tone and avoid interjecting a personal note into debate. The presiding officer, at their discretion, may establish and require a more formal method of discussion as dictated by the rules of parliamentary practice as contained in the latest edition of Robert's Rules of Order.

Any member of the Council or other officer who shall fail to conduct themselves in an orderly manner at any meeting shall be deemed guilty of misconduct of office<sup>11</sup>.

No Council member shall speak more than once on the same question unless every Council member desiring to speak to that question shall have had the opportunity to do so. Council members should be

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<sup>11</sup> As set forth in Section 6.6 of the Village Charter

mindful of not speaking to an issue in which they have a financial interest and will not be allowed to vote.

The presiding officer, at their discretion and subject to the appeal process mentioned herein, may permit any person to address the Council during its deliberations.

### **3. Voting by Council members**

A vote upon all motions, ordinances and resolutions shall be taken by a “Yes” and “No” (roll call) vote and entered upon the records, except that where the vote is unanimous it shall only be necessary to so state<sup>12</sup>.

### **4. Roll Call**

For all roll call votes, the Village Clerk shall rotate the roll call.

### **5. 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. No member of Council shall vote on any question in which he has a financial interest, other than the common public interest, or on any question concerning his own conduct, but on all other questions each member who is present shall vote when his name is called unless excused by the unanimous consent of the remaining members present<sup>13</sup>.

A Council member who is present and 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. Any member refusing to vote, except when excused or prohibited from voting, shall be guilty of misconduct in office<sup>14</sup>.

The question of whether or not a Council member has a conflict of interest on a matter may be decided by the remaining members present, by which they give their unanimous consent. A vote may be tabled, if necessary, to obtain the opinion of the Village’s legal counsel. The opinion of the Village’s legal counsel shall be binding on the Council with respect to the existence of a conflict of interest.

The right to vote is limited to the members of Council present at the time the vote is taken. Voting by proxy or telephone is not permitted.

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<sup>12</sup> As set forth in Section 6.7 of the Village Charter

<sup>13</sup> As set forth in Section 6.7 of the Village Charter

<sup>14</sup> As set forth in Section 6.7 of the Village Charter

## **6. Results of Voting**

In all cases where a roll call vote is taken, the Village Clerk, or their appointed Deputy, shall declare the result. Motions and resolutions may be adopted by the affirmative vote of a majority of the quorum present. Ordinances may be enacted by the affirmative vote of not less than three (3) members of the Council<sup>15</sup>.

It shall be in order for any Council member voting on the prevailing side 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.

## **CITIZEN PARTICIPATION**

### **1. General**

Each regular Village Council meeting agenda shall provide for reserved time for citizens seeking information or giving input on matters of interest to the Village Council. The presiding officer shall have discretion to allow a member of the audience to speak at times other than reserved time for audience participation.

### **2. Length of Presentation**

Any person who addresses the Village Council during a Council meeting or public hearing shall be limited to five (5) minutes in length per individual presentation. The Chief of Police will maintain the official time and notify the speakers when their time is up. The presiding officer reserves the right to extend the comment time.

### **3. Addressing the Council**

When a person addresses the Council, he shall state his or her name, home address and/or organization that they represent. Remarks should be confined to the question at hand and addressed to the presiding officer 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.

## **MISCELLANEOUS**

### **1. Guidelines of Conduct**

Members of Council shall refrain from argument with any member of the public or Village staff at Village Council meetings since these

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<sup>15</sup> As set forth in Section 7.2 of the Village Charter

arguments seldom resolve concerns and many times inflame feelings at a public meeting. Any concerns by a member of Council over the behavior or work of a Village employee during a Council meeting should be directed to the Village Manager to ensure the concern is addressed.

There shall be mutual respect from both Village staff and Council members of their respective roles and responsibilities when and if expressing criticism in public session.

## **2. Adoption and Amendment of Rules of Procedure**

Village Council may alter or amend these rules at any time by a majority vote.

## **3. Suspension of Rules**

The rules of the Village Council may be suspended for a specified portion of a meeting by a majority vote, except that Council shall conform to State Statutes and to the Michigan and the United States Constitutions.

## **4. Committees**

Special committees may be established for a specific period of time by the President that specifies the task of the special committee.

Any standing committees of the Council shall be composed of at least three (3) members. The Council shall not assign the administration of any department of the Village to any member or committee of the Council<sup>16</sup>.

## **5. Minutes**

Minutes are recorded to provide an accurate written history of the proceedings of any board, commission, committee or Council meeting. They are not transcripts of the meeting or verbatim renderings or summaries.

The Clerk shall obtain the names of members of the public and guests attending the meeting by providing a sign-in sheet for them to sign as they enter the room.

The only actions that must be recorded in the minutes are motions made, seconds to motions, and votes taken. Although motions that are withdrawn are not required to be recorded, they shall be recorded to assure accuracy and a consistent record of Council deliberations.

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<sup>16</sup> As set forth in Section 6.7 of the Village Charter

The record of each motion will include the name of the person making the motion, and the name of the person making the second. The minutes must also indicate the action taken on the motion, generally "Carried" or "Denied."

Amendments to motions will be entered in the order in which they are made. They must be voted on in reverse order with the last amendment being voted on before the first amendment. When the first amendment is voted on, it includes amendments made after it. After all amendments have been voted on, the main motion is voted on "as amended." The entire motion, including all of the motions passed, must be voted on as a total unit.

Unapproved minutes of regular or special meetings shall be available for public inspection not more than nine (9) business days after such meeting. Approved minutes shall be available for public inspection not later than five (5) business days after the meeting at which the minutes were approved.

#### **6. Tape Recordings, Videotaping, Telecasting, Media**

In accordance with the Michigan Open Meetings Act, the right of a person to attend a public meeting includes the right to tape record, videotape or telecast the proceedings. However, Council requires that this not be done in a disruptive or intimidating manner. Anyone wishing to tape record, videotape, or otherwise record a Council meeting must verbally announce his or her intention to do so, to those in attendance, at the beginning of the meeting.